

STATE OF SOUTH CAROLINA

In the Supreme Court

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APPEAL FROM AIKEN COUNTY S.C. Supreme Court
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2014-000794

IN RE:

The Estate of James Brown, a/k/a James Joseph Brown

Henry Dargan McMaster, Plaintiff,*

v.

Daryl J. Brown, Lindsey Dolores Brown, Vanisha Brown, Larry Brown, Deanna J. Brown Thomas, Jason Brown Lewis, Yamma N. Brown, Sydney L., Carrington L., Tonya Brown, Terry Brown, Romunzo Brown, Tommy Rae Hynie Brown, James B., Jeanette Mitchell, Michael Deon Brown, Russell L. Bauknight, Adele Pope, David Sojourner, Lisa Sims, Defendants

Of whom 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, are the.....Petitioners,

and

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

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

* Parties are listed as they appear in August 29, 2014 Order.

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The South Carolina Court of Appeals

In re: The Estate of James Brown a/k/a James Joseph Brown

Henry Dargan McMaster, Plaintiff,

v.

Daryl J. Brown, Lindsey Dolores Brown, Vanisha Brown, Larry Brown, Deanna J. Brown Thomas, Jason Brown Lewis, Yamma N. Brown, Sydney L. Carrington L., Tonya Brown, Terry Brown, Romunzo Brown, Forlando Brown, Tommy Rae Hynie Brown, James Joseph Brown, Jeanette Mitchell, Michael Deon Brown, Russell L. Bauknight, Adele Pope, David Sojourner, Lisa Sims, Defendants,

Of whom Michael Deon Brown, James Curtis, Jane Doe and John Doe Numbers I, II, III, and IVE, by their proposed guardian ad litem, and Adele Pope, as Creditor/Proponent of the Will of James Brown dated June 15, 1999, and on behalf of others under S.C. Trust Code § 62-7-405, are the Appellants;

and

James Joseph Brown, Terry Brown, Tommie Rae Hynie Brown, and David Sojourner, Jr., are the Respondents.

Appellate Case No. 2014-000794

ORDER

After careful consideration of the petition to rehear the dismissal of this appeal, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Bau G. Short, Jr. J.

H. R. W. J.

Joseph W. Crenshaw A.J.

Columbia, South Carolina

cc:

Adele Jeffords Pope, Esquire
Robert N. Rosen, Esquire
Albert P. Shahid, Jr., Esquire
John Fisher Beach, Esquire
David B. Bell, Esquire
John Andrew Donsbach, Sr., Esquire
Matthew Day Bodman, Esquire
Scott Keniley, Esquire

FILED

August 29, 2014 *CS*

The South Carolina Court of Appeals

In re: The Estate of James Brown a/k/a James Joseph Brown

Michael Deon Brown, James Curtis, Jane Doe and John Doe Numbers I, II, III, and IV, and Adele Pope, Appellants,

v.

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

Appellate Case No. 2014-000794

ORDER

Adele Pope has filed a notice of appeal from the following orders of the circuit court:

- (1) Order of February 7, 2014, determining parties to severed omitted spouse claim, elective share claim, and pretermitted child claim (Case No. 2008-CP-02-1647);
- (2) Order of January 8, 2014, dismissing cross-claims of Cinnamon Nicole Parris and LaRhonda Pettit without prejudice (Case No. 2008-CP-02-1647);
- (3) Order of December 16, 2013, severing omitted spouse claim, elective share claim, and pretermitted child claim (Case No. 2008-CP-02-1647); and
- (4) Form Orders of February 26, 2014, and March 10, 2014, denying Pope's motions to alter, amend, and vacate orders dismissing heirs of James Brown and others from proceedings of James B. and Tommie Rae Hynie.

Pope signs her notice of appeal as "Attorney for Appellants." However, "Appellant" Michael Deon Brown's attorney, David B. Bell, has notified this Court that Pope does not represent Michael Deon Brown and he asks that his client's

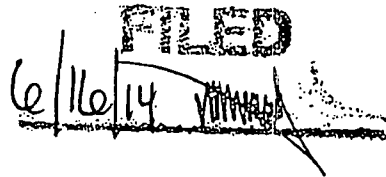
name be removed from the caption of this appeal.¹ As to the remaining "Appellants," they are not parties to Case No. 2008-CP-02-1647. In fact, the circuit court's administrative orders of June 13, 2013,² remove Pope from all James Brown Estate and Trust litigation, specifically including Case No. 2008-CP-02-1647, noting any litigation regarding Pope's fee petition will be assigned a separate case number. Because "[o]nly a *party aggrieved* by an order, judgment, sentence or decision may appeal" and an appeal may only be taken "as provided by law[]" from final judgment, appealable order or decision," this appeal is dismissed. Rule 201, SCACR (emphasis added); *see also Nance v. Nationwide Ins. Co.*, 273 S.C. 617, 619, 258 S.E.2d 105, 106 (1979) ("An appeal filed by one who has ceased to be a party to a suit is a mere nullity." (internal quotation marks and citation omitted)).


FOR THE COURT

Columbia, South Carolina

cc:

Adele Jeffords Pope, Esquire
Robert N. Rosen, Esquire
Albert P. Shahid, Jr., Esquire
John Fisher Beach, Esquire
David B. Bell, Esquire



¹ We further question whether Pope represents James Curtis, Jane Doe and John Doe Numbers I, II, III, and IV. In her filings, Pope contends she is filing the appeal as a "proposed guardian ad litem" and as "Creditor/Proponent of the Will of James Brown." We note that nothing in our file indicates Pope has been appointed as the guardian ad litem for any of the "Appellants."

² The administrative orders were issued in response to our supreme court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013). Pope's appeal from these orders, appellate case number 2013-001649, is currently pending before this court.

Exhibit D

AMENDED FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2008GP0201647

Henry Dargan McMaster

Daryl J. Brown
Janise Vanisha Brown
Larry Brown
Jason Brown Lewis
Sydney Lumar

Lindsey Delores Brown
Vanisha Brown
Deanna J. Brown Thomas
Yamma N Brown

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b) SCRCP ☐ Rule 41(a) SCRCP (Vol. Nonsuit)
☐ Rule 43(b) SCRCP (Settled) ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP ☐ Bankruptcy
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed ☐ Reversed ☐ Remanded ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☒ Statement of Judgment by the Court.

Adele J. Pope's Motion for to Alter, Amend and Vacate Orders Dismissing Heirs of James Brown and others From proceedings of James B. and Tommie Rae Hynie is denied.

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

7006 E. J. S.
Circuit Court Judge

136
Judge Code

2/28/2014

Date

For Clerk of Court Office Use Only

This judgment was entered on 10 day of March, 2014, and a copy mailed first class or placed in the appropriate attorney's box on 10 day of MARCH, 2014, to attorneys of record or to parties (when appearing pro se) as follows:

J. David Black PO Drawer 2426 Columbia, SC 29203-2426
William W. Wilkins PO Drawer 10648 Greenville, SC
29603-0648
Adile Pope
William Joseph Barr 108 N. Academy St. Kingstree, SC
29556-3422
Robert N. Rosen 18 Broad Street Suite 201 Charleston, SC
29401
Albert P. Shahid Jr. 89 Broad St. Charleston, SC 29401
Matthew Day Bodman 1500 Calhoun St. Columbia, SC
29201
Louis Levenson 125 Broad St., SW Atlanta, GA 30303
David Bell 619 Greene Street Augusta, GA 30901

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Liz Godard by Clerk of Court

Liz Godard - Clerk of Court

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
CASE NO. 2008 CP 02-021047
The 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 22 day of February 2014.

In re The Estate of James Brown a/k/a James Joseph Brown

C.C.C.P. & G.S., Aiken County, S.C.

PLAINTIFF(S)

DEFENDANT(S)

Deputy Clerk

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: Adele J. Pope's Motion to Alter, Amend and Vacate Orders Dismissing Heirs of James Brown and Others From Proceedings of James B. and Tommie Rae Hynie.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk:

C.C.C.P. & G.S.

Deputy Clerk

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

0136

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 26 day of Feb, 20 14 and a copy mailed first class or placed in the appropriate attorney's box on this 26 day of Feb, 20 14 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

James Bailey
Wayne Gind
Kymber Richardson Jr.
ATTORNEY(S) FOR THE DEFENDANT(S)
C. J. Woodard by Shindigence
CLERK OF COURT

David Black
William Wiking
Eugene Cunningham Jr.
William Babb

Robert Loren
Robert Shaford

Matthew Bodman
Angus Reverson
David Beel

James Brinson

John Beach
Stephen Slotchuer

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2008-CP-02-1647

**ORDER DETERMINING PARTIES TO
SEVERED OMITTED SPOUSE CLAIM,
ELECTIVE SHARE CLAIM, AND
PRETERMITTED CHILD CLAIM**

Terry Brown, a son of James Brown, as well as a named devisee under the Last Will and Testament of James Brown (the "Will"), filed a response to the Motions to Determine Parties asserting that he should be made a party to the Omitted Spouse Claim and the Elective Share Claim.

ME
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On January 8, 2014 the Court heard oral arguments on the Motions to Determine Parties. At that time the Parties agreed that, although James Brown has not filed a motion to determine parties to his pretermitted child claim, the Court's ruling on these motions will govern all of the Severed Actions. After carefully considering the Motions to Determine Parties, the supporting and opposing Memoranda filed with this Court, and the oral arguments made by all counsel, the Court rules as follows.

Tommie Rae Brown asserts that the Court must exclude from the Severed Actions all Parties to the underlying case except David C. Sojourner, Jr., and then only in Mr. Sojourner's capacity as Limited Special Administrator of the Estate (LSA)¹. In support, Ms. Brown cites, among other authorities, Sections 62-1-403(2)(ii) and 62-7-303 of the South Carolina Probate and Trust Codes, respectively, for the proposition that the LSA is the only party to the Severed Actions other than the Petitioners in those actions. Those statutory provisions read in relevant part:

§62-1-403 Pleadings, when parties bound by others; notice

...

(2) Persons are bound by order binding others in the following cases:

...

(ii) *To the extent there is no conflict of interest between them or among persons represented,*

...

orders binding a trustee bind beneficiaries of the trust in proceedings to probate a will establishing or adding to a trust to review the acts or accounts of a prior fiduciary and in proceedings involving creditors or other third parties; and

orders binding a personal representative² bind persons interested in the undistributed assets of a decedant's estate in actions or proceedings by or against the estate.

[emphasis added]

¹ Indeed, Tommie Rae Brown asserts that the Court should exclude Mr. Sojourner, in his capacity as Limited Special Trustee ("LST") of the James Brown August 1, 2000 Irrevocable Trust Agreement ("Trust"). See, Memorandum of Tommie Rae Brown re Motion for Determination of Parties: Omitted Spouse Share Matter, pp. 3-4.

² Because Mr. Sojourner has been appointed as LSA instead of personal representative, references in the SCPC to the personal representative apply here to the LSA.

§62-7-303 Representation by fiduciaries and parents.

(a) *To the extent there is no conflict of interest between the following beneficiary representatives and the person represented or among those being represented with respect to a particular question or dispute:*

...

(4) A trustee may represent and bind the beneficiaries of the trust with respect to questions or disputes involving the trust;

(5) a personal representative of a decedent's estate *may* represent and bind persons interested in the estate with respect to questions or disputes involving the decedent's estate

[emphasis added]

In accordance with §62-1-403, if the devisees of the Will ("Devisees") are not made parties to the Severed Actions, then orders issued in the Severed Actions would only bind the Devisees where there are no conflicts of interest among them or between them and the LSA. Likewise, under §62-7-303, the LSA *may* represent and bind non-party Devisees, but, again, only if there is no conflict among them or between them and the LSA.

There are patent conflicts among certain Devisees, between certain Devisees and Tommie Rae Brown, and between certain Devisees, Tommie Rae Brown on the one hand and the LSA and LST on the other. Among others, four of the devisees, Deanna Brown Thomas, Yamma Brown, Vanisha Brown, and Larry Brown (the "Contesting Devisees"), along with Tommie Rae Brown, assert claims against the LSA and LST to set aside the Will and Trust, alleging undue influence, fraud, lack of intent, and illusory trust. Devisee Terry Brown expressly opposes these claims, supports the Will and Trust, and affirmatively seeks the Court's enforcement of the Will's uncontestability (*in terrorem*) clause against the Contesting Devisees. Devisee Daryl Brown also appears to support the Will and Trust.

Given the existence of these undeniable conflicts, Sections 62-1-403 and 62-7-303 suggest that orders issued in the Severed Actions will not bind the Devisees if they are not made

TMB
FFS

parties. Likewise, because of these conflicts, Section 62-7-303 may or may not give the LSA the authority to "represent and bind" the Devisees in relation to the Severed Actions.

If the Devisees, Tommie Rae Brown, and James B. [REDACTED] are made parties to all Severed Actions, then orders issued in those actions will bind them, removing the uncertainty caused by Section 62-1-403 if they are not made parties.

Likewise, making the Devisees, Tommie Rae Brown, and James B. [REDACTED] parties to the Severed Actions also removes the uncertainty placed upon the LSA and LST by Section 62-7-303. Making the Devisees, James B. [REDACTED], and Tommie Rae Brown parties to all Severed Actions, in turn, allows the LSA and LST to more effectively satisfy his fiduciary obligation to defend the Estate and Trust against the Will and Trust Challenges, as established in this Court's October 1, 2013 Interim Order and the Probate Court's October 10, 2013 Interim Order Appointing Limited Special Administrator.

Tommie Rae Brown argues that, because she has waived her right to any personal and household effects of every kind as described in the Will, only she, the Estate and the Trust are "interested persons," under Section 62-1-201(2). As such, Ms. Brown argues that only she and the LSA can be parties to the elective share or omitted spouse claims. The definition of "interested person" does not support this assertion:

(23) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. *The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.*
[emphasis added]

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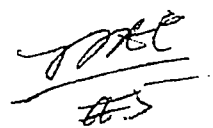
The Devisees meet this definition in several ways. They are "heirs." They are also "devisees." They are also "children." They are also "beneficiaries." In these capacities, they also have certain "priority for appointment as personal representative" under Section 62-3-203.

Moreover, the Devisees have "a property right in or claim against [the Estate]...which may be affected by the proceeding." A threshold determination that must be made in both the elective share and omitted spouse claims is whether Tommie Rae Brown is James Brown's surviving spouse. This determination could have a profound effect upon the Devisees' property rights in or claims against both the Estate and the Trust.

As a child of James Brown and a named Devisee of the Will, Terry Brown has an interest in seeing that his father's estate plan is carried out.

As children and intestate heirs of James Brown, Terry Brown and the other Devisees have potential property interests and/or claims against the Estate that "may be affected" by the Severed Actions. The Contesting Devisees and Tommie Rae Brown each seek to set aside the Will on grounds of undue influence, fraud, lack of intent, and illusory trust. They request that the Court set aside the Will and order that the Estate pass by the laws of intestate succession. See, for example, Tommie Rae Brown's December 19, 2007 Petition to Set Aside Informal Probate filed in a direct predecessor to this case. If Tommie Rae Brown is finally adjudged to be James Brown's surviving spouse, then she could take fully 50% of the Estate under the laws of intestate succession, reducing by half any claim that Terry Brown and the other Devisees might have under those laws.

The LSA's primary duty is defined by the Court's October 1 and 10, 2013 Appointment Orders, which is to defend James Brown's Estate against the claims made in the Will and Trust Challenges. In executing this duty, the LSA must act in the best interest of the Estate and

Handwritten signature and initials, possibly "JAC" and "H.S.", in dark ink.

successors to the Estate. Section 62-3-703(a). The LSA must execute his duty as a prudent person would, by considering the purposes, terms, distributional requirements and other circumstances of the Estate and Trust, exercising reasonable care, skill, and caution. Sections 62-3-703(a) and 62-7-804.

In light of these obligations and the uncertainty that would be created by excluding the Devisees from the Severed Actions, in an abundance of caution, the Court believes it should resolve that uncertainty by allowing the Devisees to the Will, Tommie Rae Brown, and James B [REDACTED] to participate fully as named parties in each of the Severed Actions. The Court sees no legal impediment to exercising its discretion in this fashion and finds that such action is in the best interests of the parties, while serving the goal of judicial economy.

For the reasons outlined above, it is hereby:

ORDERED that Tommie Rae Brown be designated as the Petitioner in the Severed Actions for her omitted spouse, 2013-CP-02-02849, and elective share, 2013-CP-02-02850, claims;

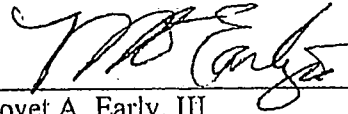
ORDERED that James B [REDACTED] be designated as the Petitioner in the severed Action for his pretermitted child claim: 2013-CP-02-02851;

ORDERED that David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, be designated as a Respondent in each of the Severed Actions: 2013-CP-02-02849, 2013-CP-02-02850, and 2013-CP-02-02851; and

ORDERED that all Devisees of the Will, who are Deanna Brown Thomas, Yamna Brown, Vanisha Brown, Larry Brown, Terry Brown, and Daryl Brown, be designated as Respondents in each of the Severed Actions: 2013-CP-02-02849, 2013-CP-02-02850, and 2013-CP-02-02851.

J. [Signature]
#6

IT IS SO ORDERED.



Doyet A. Early, III
Chief Administrative Judge
Second Judicial Circuit

February 7, 2014

Bamberg, South Carolina

Exhibit B

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO. 2008-CP-02-1647

IN RE:

THE ESTATE OF JAMES BROWN a/k/a
JAMES JOSEPH BROWN

ORDER DISMISSING
CROSS-CLAIMS OF
CINNAMON NICOLE PARRIS AND
LARHONDA PETTIT
(Without Prejudice)

This matter comes before the Court by way of the December 18, 2013 Motion ("Motion") of David C. Sojourner Jr. (the "LSA"), as Limited Special Administrator of the Estate of James Brown a/k/a James Joseph Brown (the "Estate") and as Limited Special Trustee of the James Brown August 1, 2000 Irrevocable Trust Agreement (the "Trust") to dismiss the defenses, cross-claims, and requests for relief asserted by Cinnamon Nicole Mernickle Parris ("Parris") and LaRhonda Pettit a/k/a LaRhonda Waller ("Pettit") through three pleadings they jointly filed in this matter dated February 1, 2008, April 25, 2008, and April 25, 2008, as attached to the LSA's Motion. The LSA, Parris, and Pettit hereby consent to resolve this Motion through dismissal of Parris and Pettit as parties, and dismissal of their defenses, cross-claims, and requests for relief, all without prejudice.

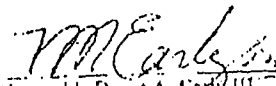
NOW THEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED that Parris and Pettit, along with their said defenses, cross-claims, and requests for relief, are hereby dismissed without prejudice.

AND IT IS SO ORDERED.

Aiken, South Carolina

January 8, 2014


The Honorable Doyet A. Early III
Second Judicial Circuit

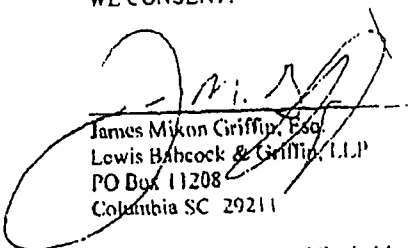
WE CONSENT:


John F. Beach
Adams and Reese LLP
1501 Main Street, 5th Floor (29201)
Columbia, SC 29202

Date: Jan 8, 2014

Attorneys for David C. Sojourner, Jr., as Limited Special Representative of the Estate of James Brown and Limited Special Trustee of the James Brown August 1, 2000 Irrevocable Trust Agreement

WE CONSENT:


James Milton Griffin, Esq.
Lewis Babcock & Griffin, LLP
PO Box 11208
Columbia SC 29211

Date: Jan 8, 2014

Attorney for Cinnamon Nicole Mernickle Parris and LaRhonda Pettit

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

**ORDER SEVERING OMITTED
SPOUSE CLAIM, ELECTIVE
SHARE CLAIM, AND
PRETERMITTED CHILD CLAIM**

Case No. 2008-CP-02-1647

This matter comes before the Court on the Motions of Petitioner Tommie Rae Brown and Stephen M. Slotchiver as Guardian *ad Litem* for Petitioner James B. [REDACTED] to sever their respective claims as contemplated by the Court's Administrative Order dated June 13, 2013. Ms. Brown entered a Motion to sever her claims to an omitted spouse's share of the Estate pursuant to S.C. Code Ann. § 62-2-301 and to an elective share of the Estate pursuant to S.C. Code Ann. § 62-2-201 et seq. James B. [REDACTED] entered a Motion to sever his claim seeking a share of the Estate as a pretermitted child pursuant to S.C. Code Ann. § 62-2-302. After considering Petitioners' Motions and supporting Memorandums of Law, it is hereby:

ORDERED that Petitioner Tommie Rae Brown's claim for an omitted spouse's share of the Estate, now part of Case No. 2008-CP-02-1647 pursuant to the Court's Administrative Order filed June 13, 2013, shall be severed from the actions in which it is currently pending;

ORDERED that the Clerk of Court shall assign a new case number to Ms. Brown's claim for an omitted spouse's share; (2013 CP 0202849)

Typed copy
FILED
12.11.13
D. G. Gland
U.C.P. & G.S.
Anita Knoepfle 1645
Deputy Clerk

me

ORDERED that Petitioner Tommie Rae Brown's claim for an elective share, now part of Case No. 2008-CP-02-1647 pursuant to the Court's Administrative Order filed June 13, 2013, shall be severed from the actions in which it is currently pending;

ORDERED that the Clerk of Court shall assign a new case number to Ms. Brown's claim for an elective share; (2013 CP0202850)

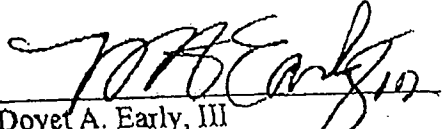
ORDERED that Petitioner James B. [REDACTED]'s claim for a pretermitted child share of the Estate, now part of Case No. 2008-CP-02-1647 pursuant to the Court's Administrative Order filed June 13, 2013, shall be severed from the actions in which it is currently pending;

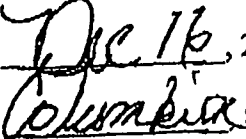
ORDERED that the Clerk of Court shall assign a new case number to Petitioner James B. [REDACTED]'s claim to a pretermitted child's share of the Estate; (2013 CP0202851)

ORDERED that each claim severed by this Order shall be deemed a continuation of each respective pending claim for all purposes, and under no circumstances shall any severed claim be treated as having been filed on the date the respective new case numbers are established; and further, it is

ORDERED that the discovery in the severed cases shall proceed on a consolidated basis with each other and also with the claims remaining as part of Case No. 2008-CP-02-1647; and all cases shall be subject to scheduling orders that will be issued by the Court.

IT IS SO ORDERED!


Doyet A. Early, III
Chief Administrative Judge
Second Judicial Circuit


Dec 16, 2013
Columbia South Carolina

71849

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 10 2014

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

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

Case No. 2008-CP-02-1647

Case No. 2013-CP-02-2849

Case No. 2013-CP-02-2850

Case No. 2013-CP-02-2851

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

v.

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

IN RE:

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

MOTION TO DISMISS

David C. Sojourner Jr., in his capacity as the Limited Special Trustee and Limited
Special Administrator of the James Brown Trust and Estate (the "LSA"), moves to
dismiss Appellant Adele Pope's ("Pope") appeal. Through her March 31, 2014 Notice of
Appeal, Pope appeals the following Orders (the "Orders on Appeal") issued by the
Honorable Doyet A. Early in *In Re: The Estate of James Brown, a/k/a James Joseph
Brown*, Civil Action No. 2008-CP-02-1647 (the "Underlying Action"):

- December 16, 2013 and February 7, 2014 orders (collectively, the Severance Orders”) severing and then designating parties to Tommie Rae Brown’s omitted spouse claim (now Civil Action No. 2013-CP-02-2849), Tommie Rae Brown’s elective share claim (now Civil Action No. 2013-CP-02-2850), and James [REDACTED] Brown’s pretermitted child claim (now Civil Action No. 2013-CP-02-2851) (collectively, the “Severed Actions”);
- January 8, 2014 consent order dismissing without prejudice the cross-claim of Cinnamon Nicole Parris and LaRhonda Pettit which challenged the validity of the decedent’s Will, alleged undue influence and fraud;
- February 24 and March 10, 2014 form orders denying Pope’s Motion to Alter, Amend and Vacate the previously-listed three orders; and
- “All Orders issued...after June 13, 2013 which are the subject of an appeal pending in the South Carolina Court of Appeals....”¹

Pope does not have legal standing to pursue this appeal because she is neither a party to the Underlying Action (in which all of these orders were issued) nor is she aggrieved by the Orders on Appeal. Moreover, the Orders on Appeal are interlocutory orders for which no exception in S.C. Code Ann. § 14-3-330 applies and, therefore, the orders are not appealable at this time.

I. Pope is not a Party to the Underlying Action and is not Aggrieved by the Orders on Appeal.

In this same case, Pope previously appealed Judge Early’s October 1, 2013 Interim Order appointing Russell L. Bauknight to administer the Estate and Trust and the LSA to defend the Will and Trust against all pending Will and Trust challenges. On January 30, 2014 this Court dismissed Pope’s appeal, finding:

Because “[o]nly a *party aggrieved* by an order, judgment, sentence or decision may appeal” and an appeal may only be taken “as provided by law[] from final judgment, appealable order or decision,” this appeal is dismissed. *See* Rule 201, SCACR (emphasis added); *see also Nance v. Nationwide Inc. Co.*; 273 S.C. 617, 619, 258 S.E.2d 105,

¹ Pope’s non-specific appeal of “All Orders...” must be dismissed because Pope defines this class of orders as those already subject to another appeal pending before this Court.

106 (1979) (“An appeal filed by one who has ceased to be a party to a suit is a mere nullity.”) (internal quotation marks and citation omitted)).

(Emphasis and parenthetical phrases in original.) See Order Dismissing Appeal attached hereto as Exhibit A.

For those same reasons, the Court should dismiss Pope’s current appeal as Pope is here asserting the same bases for standing she previously asserted in her appeal of the October 1, 2013 order².

A. Pope is not a Party to the Underlying Action.

In *Wilson v. Dallas*, the South Carolina Supreme Court upheld the lower court’s removal of Pope as a fiduciary of the Estate, finding that Pope’s “...continued service as fiduciar[y] is not in the best interests of the estate.” *Wilson v. Dallas*, 403 S.C. 411, 448-49, 743 S.E.2d 743, 766-67 (2013). The Supreme Court remanded the case to the trial court with instructions: “upon proper application, to appoint fiduciaries to oversee...matters in accordance with the provisions for succession outlined in Brown’s trust and estate documents.”

In accordance with the Supreme Court’s directive, Judge Early issued the October 1, 2013 Interim Order in the Underlying Action. Pope appealed. Because the Supreme Court had upheld Pope’s removal from the Underlying Action, she was not a party to the Underlying Action and this Court dismissed her appeal of the October 1, 2013 Order. Nothing has happened since that dismissal to make Pope a party to the Underlying Action.

² The case caption set forth in Pope’s March 31, 2014 Notice of Appeal establishes this.

Pope has tried to bootstrap her way into the position of “party” by seeking to be named guardian *ad litem* for various individuals, including one real person who is a party, but is already represented by counsel (Michael Deon Brown), one presumably real person who is not a party (James Curtis), and several Jane and John Does placed into one party’s case caption as place holders. In spite of Pope’s efforts, no court has authorized Pope to act in any capacity on behalf of the persons named above.

Pope additionally asserts her position as “Creditor.” Pope’s creditor’s claim against the Estate is addressed in a completely separate action, Civil Action No. 2013-CP-02-1337, which is not associated with the Underlying Action.

Pope’s other assertions as “Proponent of Will of James Brown dated June 15, 1999 and on behalf of others under S.C. Trust Code §62-7-405” have never been recognized by any court, are legally nonsensical, and equally without merit.

In sum, Pope does not have standing to appeal any of the orders at issue because she is not a “party” to the Underlying Action. *See also Nance v. Nationwide Ins. Co.*, 273 S.C. 617, 619, 258 S.E.2d 105, 106 (1979) (“An appeal filed by one who has ceased to be a party to a suit is a mere nullity.”); *Glenn v. E.I. Dupont De Nemours & Co.*, 254 S.C. 128, 134, 174 S.E.2d 155, 158 (1970) (action for wrongful death instituted by a discharged administratrix was a nullity and, therefore, properly dismissed).

B. Pope is not Aggrieved by the Orders on Appeal

Pursuant to Rule 201(b), SCACR, “[t]he word ‘aggrieved’ refers to a substantial grievance, a denial of some personal or property right, or the imposition on a party of a burden or obligation.” *North American Rescue Prods., Inc. v. Richardson*, 396 S.C. 124, 134, 720 S.E.2d 53, 59 (Ct. App. 2011) (*quoting Beaufort Realty Co.* at 301, 551 S.E.2d

at 589) (emphasis added)). *See also Beaufort Realty Co., Inc. v. Beaufort County*, 346 S.C. 298, 301, 551 S.E.2d 588, 589-90 (Ct. App. 2002) (“A party cannot appeal from a decision which does not affect his or her interest”).

The Orders on Appeal do not aggrieve Pope, as she is not a party to the Underlying Action. Moreover, Pope’s asserted appeal as an unrecognized representative of various real and fictitious persons does not give her appellate standing. “A party cannot appeal from a decision which does not affect his or her interest, however erroneous and prejudicial it may be to some other person’s rights and interests.” *Shaw v. City of Charleston*, 351 S.C. 32, 567 S.E.2d 530 (Ct. App. 2002) (quoting *Beaufort Realty*, 346 S.C. at 301, 551 S.E.2d at 589-90; *First Union Nat’l Bank of S.C. v. Soden*, 333 S.C. 554, 565, 511 S.E.2d 372, 378 (Ct. App. 1998)). Likewise, Pope cannot appeal the January 8, 2014 consent order of dismissal because it only affected the interests of Parris and Pettit, both of whom consented to dismiss their challenges to the Will.

In *Powell v. ex rel. Kelley v. Bank of America*, 379 S.C. 437, 665 S.E.2d 237 (Ct. App. 2008) and *Ex Parte Government Employee’s Ins. Co.*, 373 S.C. 132, 644 S.E.2d 699 (2007), it was held that persons with “insufficient,” “merely tangential,” and “merely peripheral” interests in the outcome of a case cannot participate in the proceedings or have standing to appeal final determinations from those proceedings. Pope’s interest in the Underlying Action is either nonexistent or only “tangential and peripheral to the precise [issue before the court].” *See Powell* at 446, 665 S.E.2d at 242.

II. The Orders on Appeal are Non-appealable Interlocutory Orders.

A. The Severance Orders

The Severance Orders were not final orders and, therefore, not appealable by Pope or any party to the Underlying Action at this time.

“Generally, a party³ may only appeal from a final judgment, and piecemeal appeals should be avoided....” *EnerSys Delaware, Inc. v. Hopkins*, 401 S.C. 615, 616, 738 S.E.2d 478, 479 (2013) (citations omitted). “Whether an order issued prior to or during trial is immediately appealable is governed primarily by Section 14-3-330 of the South Carolina Code (1979 & Supp. 2010).” *Id.* at 617, 738 S.E.2d at 479. “Absent some specialized statute, determining if an interlocutory order is immediately appealable depends on whether the order falls within one of several categories of appealable judgments, decrees, or orders listed in S.C. Code Ann. § 14-3-330 (1976 & Supp. [2002]).” *Baldwin Const. Co., Inc. v. Graham*, 357 S.C. 227, 593 S.E.2d 146 (2004) (quotation omitted).

The Severance Orders possess none of the elements of finality under South Carolina standards. They do not expressly or implicitly dispose of issues of fact, fully determine the rights and liabilities of the parties, preclude further proceedings, or dispose of parties, issues, or subject matter of the Underlying Action. None of the four bases for appellate jurisdiction in Section 14-3-330 apply here.

In *Beckham Group, P.C. v. Snyder*, 315 S.W.3d 244 (Tex. App. 2010), the Texas Court of Appeals recognized: “When a suit is severed, two or more independent lawsuits result with their own final appealable judgments.” *Id.* at 246 (citations omitted). “Thus,

³ Consistent with Section I above, this ruling proceeds upon the accepted principle that only a “party” may appeal.

although a severance is not a final judgment, it may result in a final judgment.” *Id.* The Court concluded that a trial court order granting severance was not appealable. Similarly, here the Severance Orders split the Underlying Action into separate lawsuits and then named parties to the Severed Actions; the Severance Orders are not final, appealable, judgments and do not finally determine substantive rights of any parties. *See also Lackey v. Bramblett*, 139 S.W.2d 467, 469 (Ark. 2003) (recognizing that the trial court’s order granting severance did not discontinue the litigation and holding that an order granting severance not final for purposes of appeal).

B. Consent Order Dismissing Cross-Claims of Cinnamon Nicole Parris and LaRhonda Pettit Without Prejudice

It is well settled that an interlocutory order is not immediately appealable unless it involves the merits of the case or affects a substantial right. A dismissal without prejudice is not an adjudication on the merits. *Compare Nelson v. QHG of South Carolina, Inc.* 354 S.C. 290, 580 S.E.2d 171 (Ct. App. 2003) (“A case that is dismissed ‘with prejudice’ indicates an adjudication on the merits....”), *aff’d in part, rev’d in part on other grounds*, 362 S.C. 421, 608 S.E.2d 855 (2005).

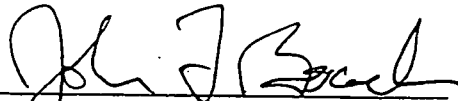
The January 8, 2014 consent order dismissed, without prejudice, challenges Parris and Pettit had asserted against the Will in the Underlying Action. Again, because Pope was not a party to the Underlying Action, she has no interest in this dismissal of Parris’ and Pettit’s challenges to the Will.

CONCLUSION

Pope’s appeal must be dismissed. Pope lacks standing to appeal because she is neither a “party” to the Underlying Action nor is she “aggrieved by” the Orders on

Appeal. Additionally, Pope's appeal must be dismissed because the Orders on Appeal are non-appealable interlocutory orders for which no exception under S.C. Code Ann. § 14-3-330 applies.

Respectfully submitted,



John F. Beach, S.C. Bar No. 595

Lyndey Zwing, S.C. Bar No. 100804

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Attorney for David C. Sojourner, Jr., as Limited
Special Representative of the Estate of James Brown
and Limited Special Trustee of the James Brown
August 1, 2000 Irrevocable Trust Agreement

April 9, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

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

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APR 10 2014

SC Court of Appeals

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

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

v.

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

IN RE:

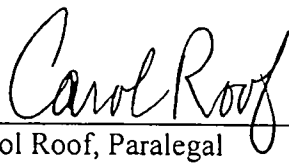
THE ESTATE OF JAMES BROWN, A/K/A JAMES JOSEPH BROWN

PROOF OF SERVICE

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

Counsel Served:

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



Carol Roof, Paralegal

Columbia, South Carolina
April 10, 2014

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APR 17 2014

SC Court of Appeals

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

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 OPPOSITION OF APPELLANTS TO MOTION TO DISMISS

Appellants oppose the Motion to Dismiss this appeal made by Adams and
Reese, LLP on behalf of David Sojourner, Jr., for the following reasons:

1. Movant lacks standing to seek dismissal because of his void *ex parte* claimed appointment, and because he has unclean hands.
2. James Brown's incarcerated son Michael and all Appellants are Aggrieved by the appealable Orders, and have standing.

3. Michael and other Appellants are entitled to be parties and served, and the claimed heirs to have a guardian *ad litem* ("GAL").

4. SCTC Section 62-7-405 Gives Appellant Pope Additional Standing Because Movant and Bauknight have placed the 1999 Will in jeopardy.

Each of these issues is discussed below.

Background

This is an appeal of public importance because it addresses whether the State, after the withdrawal by Attorney General Alan Wilson ("AG Wilson") and aided by Movant and Russell Bauknight, may continue to deny the Due Process, Equal Protection, First Amendment and statutory rights of Appellants which was the State's policy from August 10, 2008 until the decision of May 8, 2013 in *Wilson v. Dallas*, 403 S.C. 411, 743 S.C.2d 743.

The State's policy threatened to dismember James Brown's "I Feel Good" Private Foundation. It also threatened the "I Feel Good" Trust's rights to more than 800 published and unpublished songs (the "Royalties"). The State did this by creating by "stipulation" a spouse, rather than confirming James Brown had no spouse. The Estate/"I Feel Good" Trust were prevented from contracting with the least expensive HALF of Brown's *real* heirs *who were not challenging the estate plan* to protect for decades the \$3+ million annual flow from the Royalties to needy students as James Brown intended.

But for the actions of the State, Movant and Bauknight, the challenges to Brown's 2000 and 1999 estate plans, under the *Wilson v. Dallas* remand, would likely be over. Under IRS distribution guidelines, \$2 million or more would now

be distributed each year for scholarships for needy students.

Instead, since later 2012 nearly \$2 million has been paid to Bauknight, Movant's counsel and other attorneys to favor Hynie; attempt to defeat the "I Feel Good" Trust's ability to protect its copyrights through a court-ordered proper heirs determination approved before the McMaster Settlement; conceal a fabricated \$4.7 million valuation; and allow Bauknight to continue to serve, sue and prevent FOIA compliance as claimed agent for the State/AG, Hynie and her son.

In the 14 months from November 2012 until the end of 2013 AG Wilson stood silent as Bauknight and Movant paid from funds Brown gave to the "I Feel Good" Trust:

- a. \$563,000.00 to the firm of Kenneth Wingate, in addition to a 40% contingency fee, in a pending suit brought by the State/AG in 2010 to stop the *Wilson v. Dallas* appeal.
- b. More than \$750,000.00 to Bauknight's attorneys, Nexsen Pruet, while Bauknight serves as agent for Hynie and her son.
- c. \$350,000.00 to Bauknight's firm; and
- d. In the first three months after Movant's appointment, more than \$250,000.00 to Adams & Reese, LLP.

When compared with the approximately \$200,000 spent in five years to defend against the McMaster Settlement in seven days of lower court hearings and a 4-year appeal which allowed the *Wilson v. Dallas* decision, these expenditures are extraordinary.

The Attorney General', in the face of this, has officially withdrawn from the Aiken County cases, abandoning his statutory duty to protect the "I Feel

Good" Trust in more than a dozen pending cases. Yet he remains in – and stalls- three FOIA cases, and is trying to consolidate them with the Wingate Suit.

I. Movant lacks standing to seek dismissal because of his void *ex parte* claimed appointment, and because he has unclean hands.

a. Movant's Appointments are *ex parte* and violate Due Process.

Movant lacks standing to seek to dismiss this important appeal as claimed limited special administrator. His claimed authority is an October 10, 2013 *ex parte* Order which was issued by The Honorable Sue H. Roe, Probate Judge for Aiken County ("Judge Roe").

The October 10 Order was secured by delivery of a petition to Judge Roe. There was no summons; no service; no hearing.

In an extraordinary order Judge Roe dispensed with a hearing; made significant findings; and issued the *ex parte* order.

The October 10 Order then appears to have been handed to a Nexsen Pruet attorney for service on all Interested Persons. But it was never served.

After the October 10 Order was discovered in the public records, a Motion to Alter or Amend (void) was filed. Judge Roe then filed a *sua sponte* Order removing the Motion to circuit court. To date, the matter is unresolved.

Movant's claimed appointment as limited special trustee, in an order which is currently under appeal, is arguably more troublesome. It results from a petition by Bauknight which contained a summons directed to "All Necessary Parties." Neither the petition nor the summons gave any indication of who those Necessary Parties were.

The petition and summons were not served on any Appellant, all of whom were either proven heirs, claimed heirs awaiting the Peebles DNA Protocol, or Creditors who had filed a Demand for Notice and were entitled to be served.

Arguably more egregious, Movant did not serve James Brown's six *adult* grandchildren and minor who are beneficiaries of \$285,000 education trusts under the 2000 Trust, even though four of them have never been made parties to any Aiken County James Brown case.¹

Those seven – like Appellants – have Federal Copyright Act rights which may be damaged for decades (after their parents die) if non-wife Hynie is once again allowed to be called the wife when *their own parents* have confirmed since the *Wilson v. Dallas* decision that she is not. [See Ltr. of Marc Toberoff, Sept. 2013, Exhibit B]

Movant's petition, summons and appointment orders re-started a tradition employed by Hynie and her counsel in 2007 – not naming any parties in the captions and orders; then claiming the parties who were not named or served are bound. This practice was stopped by Judge Early's Order of April 8, 2008 in Aiken County Case 2007-CP-02-0122 ("Case 122"). It began again after the *Wilson v. Dallas* decision.

Movant adopts this unfortunate practice, which is prohibited by the Due Process clause of the constitutions of South Carolina and the USA and the

¹

Some adult grandchildren are Co-Plaintiffs with Attorney General Wilson, Hynie and her son in Richland County Case 2010-CP-40-4900 (the "Wingate Suit").

SCPC and SCTC. Movant refers to the *four* cases which are the subject of this appeal --and a host of others – as the "Underlying Action." There are more than a dozen "Underlying Actions." Those actions are required to have parties. The parties are required to be named. And served.

Movant's service list is as troublesome as the claim that it is appropriate to file petitions and obtain orders which give no indication who is to be bound or served.

James Griffin, Esquire, is served. In June 2013 Mr. Griffin filed a Motion to be relieved as counsel by one living daughter of James Brown and one now-deceased daughter, La Rhonda. Both were officially acknowledged by the Estate of James Brown in 2007 after passing the official Peeples DNA Protocol.

Movant serves William Barr, Esquire, who represents another acknowledged daughter who passed the official Peeples DNA Protocol in 2007 and was officially recognized by the Estate.

These three DNA-proven daughters constitute HALF of the HALF of James Brown's *real* heirs who are not challenging the estate plan with whom termination rights agreements should have been made from 2009 - 2013 to save the "I Feel Good" Trust's copyright for decades. And should be made now.

These three, like Appellants (other than Pope), were never served with the pleadings or made a party to Case 2008-CP-02-1647 ("Case 1647" or "*Wilson v. Dallas.*"). Nor were they served or made a parties to the Hynie claim; Hynie's son's claim; nor to the Levenson Intestacy Suit, Case No. 2008-CP-02-0872.

Movant also serves David Bell, Esquire, who is a Georgia attorney who has been admitted *pro hac vice* in some of the many cases in which he represents Forlando Brown and Terry Brown. From time to time Mr. Bell claims he represents others in multiple cases: Daryl; Forlando; Romunzo; first wife Velma; daughter Lisa - even Michael.

But he protects only Terry/Forlando.

There are a dozen State Court "Underlying Actions" in Aiken County. There are also three pending Freedom of Information Act ("FOIA") suits which the Estate/2000 Trust and Hynie are seeking to consolidate with the State/AG's and Hynie's tort suit against Robert Buchanan, Jr. and Appellant Pope, Richland County Case 2010-CP-40-4900 (the "Wingate Suit")

Movant, while seeking to be appointed to protect what may be the largest-ever private foundation in South Carolina dedicated solely to needy students, ignores the requirements of the South Carolina Probate Code ("SCPC"), the South Carolina Trust Code ("SCPC") and the fundamental fairness required of the Due Process clauses.

By inattention or design Movant is advancing the cause of Hynie and her son. And the second dismemberment of the "I Feel Good" Trust.

His appointments violate fundamental Due Process and should be declared void.

b. Movant has Unclean Hands.

Within three months of securing the troublesome claimed appointments Movant paid Adams and Reese more than \$250,000.00. [Exhibit A] Yet:

1. Movant declined to meet with Appellant, who has worked *pro bono publico* since May 2013, to discuss the history – and strength – of the Estate/"I Feel Good" Trust's defense to the Hynie claims, and those of her son.
2. Movant worked with Levenson to undo the already-official heirs status of Brown's three DNA-proven daughters La Rhonda, Nicole and Jeanette, At the same time Levenson's clients were conducting media campaigns confirming they were Brown's children.
3. Movant ignored the March 8, 2008 Order of Judge Early in which the Estate/"I Feel Good" Trust's plan to properly identify all non-presumed heirs, and make Federal Copyright Act termination rights agreements with the most cooperative HALF *who were not challenging Will*, was being implemented. [See Exhibit D, p.2, F.1, p. 3 Emphasis supp.]
4. Movant worked to prevent the appointment of a GAL for Michael and James Curtis, even though a GAL was required for Michael and a GAL for all who DOE Defendants in the Levenson Intestacy Suit.
5. When it was called to Movant's attention that the 1999 Will needed to be protected and was in jeopardy of the 10-year rule, he did nothing.
6. Movant failed to recognize that jurisdiction to determine whether Hynie is Brown's spouse – at the request of AG Wilson and Hynie – now rests in Richland County, and the deposition Hynies has evaded for seven years is pending.
7. Movant failed to proceed with dismissal of Hynie's son's claim on the basis that he is not a presumed child; was born of his mother's marriage to someone other than Brown; and has refused the Peebles DNA Protocol for seven years.
8. Movant tried to prevent the appointment of a GAL for incarcerated son Michael, encouraging David Bell, Esquire, to usurp for Terry Brown and Forlando Brown the Estate's termination rights agreements.
9. With knowledge from Marc Toberoff, Esquire, that Hynie and her son were attempting to usurp termination rights elections, did nothing. [See Toberoff letter, Sept. 2013, Exhibit B]

Movant failed to acknowledge the conflict of Bauknight's continued service as agent for Hynie and her son in four lawsuits. He failed to distance himself

after Bauknight's August 20, 2013 testimony in a federal court deposition about whether bringing the *Wilson v. Dallas* decision to the S.C. Supreme Court:

Dallas was helpful produced:

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.]

Movant has aligned himself with those committed to allowing the State to retake James Brown's private assets and give away half of what James Brown gave solely for scholarships for needy students based on false claims about the value, the heirs and the Federal Copyright Act. Movant has ignored the following facts, and other evidence, which shows these claims to be without merit.

1. Before James Brown's Death

Before 1984	Brown supports Appellant Michael Deon Brown under various Court Orders.
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1984	Brown gets vasectomy after fathering more than a dozen children, including the following who were ignored by the State/AG in 2008 Settlement and thereafter by Bauknight and Movant: 1. Lisa (first marriage); 2. Michael (incarcerated); 3. LaRhonda; 4. Nicole; 5. Jeanette; 6. James Curtis (subject to Peebles DNA Protocol confirmation);
Early 1999	After 3 years of planning, Brown makes voice tape of intentions to create "I Feel Good" Trust.
June 15, 1999	James Brown executes first Will/Trust. "I Feel Good" Trust is revocable. Leaves music empire for scholarships for needy students.
August 1, 2000	James Brown makes minor modifications to "I Feel Good" Trust. Makes Trust Irrevocable. Funds 2000 Trust with Beech Island Estate. Hynie witnesses Advisory Board documents as future Ms. James Brown.
	Memoranda of Trust filed in two states.
Fall 2000	According to sworn statement of Albert Dallas, Hynie's witness in Wingate Suit, Hynie becomes pregnant when she and Brown are separated and she is in Las Vegas. Returns pregnant.
June 2001	Hynie has son in Las Vegas. Born during concealed marriage to Javed Ahmed and before ceremony with Brown. James B. is only child claimed to be fathered by Brown in 22 years between vasectomy and Brown's death.
December 2001	Hynie conceals her marriage on license application, and obtains license to marry Brown. Executes prenuptial agreement waiving all State and Federal rights. Conducts ceremony with Brown.
2003	Brown discovers Hynie married. They separate. Hynie promises to produce divorce papers in six weeks, but fails to do so.
2003	Hynie's counsel Robert Rosen, Esq. writes James Brown's attorney to say she

	has filed \$5 million lawsuit against Brown. [Pleadings not found in public records.]
2004	Brown commences suit to void ceremony. Hynie counterclaims seeking separate maintenance and support for her son. Brown asks for DNA testing. Case settles immediately. Court finds they are living together and incorporates agreement which does not acknowledge Hynie's son; does not provide any support for either Hynie or her son; and in which she agrees never to claim to be Brown's common law spouse. [While Suit pending, Hynie obtains annulment in Charleston, S.C. Husband never personally served, and later claims he did not know about it.]
2003 - 2006	Hynie and at least six of Brown's claimed children discuss estate plan with James Brown. All admit (in Wingate Suit): "... the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. This objective was the often stated and well-known desire of James Brown."
2003 - 2006	Brown earns \$3 million a year from Royalties and, in addition, grosses \$18 million during period on road shows.
April 2006	Professional appraisal conducted in connection with Royal Bank of Scotland proposed loan values Brown's Royalties at \$42+ million. Publicity Rights have about same value.
Summer 2006	Hynie, Brown and trustee/attorney Dallas have 3-way conversation in which Dallas confirms that since they are not married Hynie has only the rights of a guest in Brown's Beech Island home estate. Hynie leaves. Abandons handwritten notes in Brown's home.

Dec. 25, 2006 Brown dies owning worldwide music empire valued by all James Brown trustees (except Bauknight) at approximately \$100 million less 1999 TIAA Debt (about \$15 million. Paid in full in 2011.).

2. Between James Brown's death and AG McMaster's Settlement

February 2007 Hynie and son file defective claims in wrong court. [Case 122]. No Summons. No service.

By August 2007 Estate officially recognizes La Rhonda, Jeanette, and Nicole after they complete Estate's official Peebles DNA Protocol. Hynie's son refuses to take Protocol. Appellant Michael (incarcerated) seeks to be tested and part of proceeding. DNA testing delayed by other factors.

Aug.'07 - Feb.'08 Contents of Hynie's unwritten notes ("Diary") widely disseminated, copied, at central location. Also typed copy of same disseminated widely.

October 11, 2007 Order of Judge Early allows AG McMaster to enter Aiken Case 122.

Dec. 26 2007 Levenson files Suit for "administration in intestacy." ("Levenson Intestacy Suit")

Early 2008 Bell files six grievances in 2 States against Levenson.

Feb. - March 2008 Jg. Early issues Gag Orders to stop discussion of widely disseminated Hynie "diary."

March 2008 Judge Early signs order, with Estate/ 2000 Trust's consent, to complete Heirs proceeding even though Brown's two valid estate plans intentionally exclude all heirs and past and future spouses from Music empire. Gives entire residue to "I Feel Good" Trust. [Exhibit D, p. 2, F.1, p.3. Emphasis supp.]

Estate then pays for DNA testing for Hynie's son. He continues to refuse Peebles DNA Protocol:

August 10, 2008 Michael still awaiting DNA testing. Most heirs and devisees not served in Levenson Intestacy

Suit. Buchanan and Pope seeking alternate probate of backup 1999 Will, in addition to dismissal of Levenson Suit and similar defective suits filed by Hynie.

August 10, 2008 AG McMaster reaches settlement which "stipulates" Hynie is treated as Brown's spouse; exempts Hynie's son and other non-presumed children from DNA testing. Gives half of "I Feel Good" Trust to Hynie & Levenson clients.

Dismembers both "I Feel Good" Trust and plan to confirm Brown has no spouse and reach Federal Copyright Act termination agreements with most cooperative HALF (or half + 1) of Brown's properly-identified heirs NOT challenging the Estate Plan

January 30, 2009 Bell/Terry join settlement. Bell/Forlando claim to oppose.

May 26, 2009 Judge Early approves AG's Settlement.

3. The *Wilson v. Dallas* Appeal, Wingate Suit & FOIA Suits

Aug. '08 - May '13 Hynie speaks "as one" with two Attorneys General.

Aug. '08 - May '13 Buchanan, Pope and small team defend against McMaster Settlement and appeal, resulting in *Wilson v. Dallas* decision. Total legal cost of defense about \$200,000 because Buchanan/Pope spend much of their time on appeal and James Richardson, Esq. serves *pro bono publico* as lead appellate counsel.

May 19, 2010 AG McMaster, Hynie and his Legacy Trust sue Robert Buchanan, Jr. and Pope through private law firm of Kenneth Wingate, Esquire ("Wingate") for tens of millions of dollars for conducting *Wilson v. Dallas* appeal and other claimed wrongdoing.

January 2011 Sr. Assistant AG Jones, Bell, Bauknight coordinate secret transfer from Terry to Forlando of right of first refusal AG McMaster gave Terry to buy music empire and amendments to Legacy Trust.

Transfer concealed under FOIA and from Courts.

April 2011

Draft professional article of Wm. J. Smith and Appellant Pope, "Private Foundations, Copyright Heirs and Musical Millionaires: why the James Brown 'I Feel Good' Trust doesn't ..." explains Private Foundations holding copyrights must "split heirs" to protect the Foundations' copyrights under the Federal Copyright Act termination rights provisions. "Splitting Heirs" involves a proper heirs-at-death procedure, which the Estate had in progress when AG McMaster took over; then "splitting heirs" by making termination rights agreements with the most cooperative HALF of a Settlor's heirs. This is necessary both to protect the Foundation and to comply with self-dealing restrictions IRS imposes on private foundations.
[Circulated to professionals for review, but publication withheld pending *Wilson v. Dallas* appeal, which changed result.]

2011

S. C. Court of Appeals dismisses as premature Buchanan/Pope's claim that Wingate may not serve as sole attorney for State/AG and Hynie, and Bauknight may not sue as agent for State/AG.

2011

Bauknight files I&A claiming Brown's music empire worth less than \$4.7 million. AG Wilson and Bauknight, speaking for State, begin to falsely accuse Buchanan and Pope of federal felony of intentionally overstating Brown's music empire to IRS on estate tax return by \$79 million in order to secure a \$5 million commission.

July 2011

Supreme Court declines to supplement the record with Wilson/Bauknight claimed \$4.7 million value.

2011 - 2014

AG Wilson/Bauknight refuse to release \$4.7 million appraisal which Bauknight required to file.

July 2011

Bauknight's counsel threatens Pope with lawsuit, sanctions for seeking Legacy Trust documents under FOIA.

Fall 2011

Bauknight, for Hynie and others, moves to intervene

	in two FOIA suits brought by Appellant Pope; transfer them to Richland County; and consolidate them with Wingate Suit.
April 2012	Forlando drops frivolous 4-year-old injunction suit. Tells Federal Judge he has no assets.
July, 2012	Judge Early declines to rule 2008 Gag Orders void or expired based on <i>Wilson v. Dallas</i> appeal.
2012	James Curtis writes Pope asking to be DNA tested as Brown's son. Provides background. AG Wilson and Bauknight informed.
Summer 2012	"Longtime Friend" of James Brown discusses contents of Hynie "diary" with journalist. AG Wilson, through Wingate, violates Shield Law to subpoena sources and notes of journalist. Hynie makes <u>false</u> accusation that Appellant Pope was the "longtime friend."
July 2012	Hynie's witness in Wingate Suit, former trustee Albert Dallas, confirms that Hynie not spouse, and that she, Brown and he discussed it in 2006. Confirms Brown knew Hynie's son not his, and asked for DNA testing after death.
2012 -2013	AG Wilson, Bauknight and Hynie file bitter filings in Appellate Court claiming Hynie is spouse, while trying to prevent voiding of Gag Orders on ground that it will cause Hynie's claim irreparable harm. [Exhibit B]
July 2012	Hynie's deposition noticed in Wingate Suit.
Summer, Fall .	AG Wilson, through Wingate, moves to strike settlement offers which would have removed Estate/2000 Trust and grandchildren with \$285,000 trusts from Wingate Suit. Possibly prevented <i>Wilson v. Dallas</i> decision.
Nov. - Dec, 2012	Bauknight pays Wingate \$563,000 from Estate, in addition to 40% contingency. Conceals until October 2013.

4. Between February 27 and May 8, 2013 *Wilson v. Dallas* Decisions

Feb. 27, 2013	First <i>Wilson v. Dallas</i> decision is issued. Voids McMaster Settlement and remands.
March 6, 2013	Appellant Pope visits AG Wilson. Urges him to correct improper valuation on estate tax return; stop Bauknight's damage to Royalties by claiming Hynie spouse and ignoring HALF of <i>real</i> heirs.
March 2013	AG Wilson calls to say he is withdrawing from Wingate Suit. Does not withdraw. Does nothing to correct false \$4.7 million value or protect real heirs and Royalty copyrights.
March 2013	James B. files Petition for Rehearing claiming Bauknight's less-than \$4.7 million value correct.
March 2013	AG Wilson tells Supreme Court AG McMaster did not authorize State's Wingate Suit against Buchanan and Pope. AG Wilson tells Supreme Court he expects FOIA suits to be concluded shortly.
May 8, 2013	Final <i>Wilson v. Dallas</i> Suit voids McMaster Settlement and voids Bauknight appointment. Remands matter for review of commissions and attorneys' fees and appointment in accordance with Brown's documents.

5. Since the final *Wilson v. Dallas* Decision of May 8, 2013

May Oct, 2013	Bauknight and Movant secure appointments which deny rights of Appellants, heirs, devisees and all Others who support estate plan.
2013	Bauknight claims Forlando did nothing wrong by seeking for 4 years to enjoin 2000 Trust until Cannon Group returned.
May 2013	State/AG Wilson, through Wingate, asks Richland County Court to stay Wingate Suit and two FOIA Suits until all Aiken matters concluded.

June 13, 2013	Judge Early and Clerk issue June 13 Orders without notice, service of any petition on heirs, devisees and beneficiaries, and no notice or hearing.
After June 13	Series of Orders which continue to violate rights of Appellants without service, notice hearing. Judge Early decline to hold Gag Order hearing. In fall, refuses hearing on Petition for GAL for Michael, DOE Defendants, James Curtis.
Late June 2013	Clerk refuses to file Pope's motion to alter June 13 Order, on direction of Judge Early. After discussion, dismisses herself to make call; returns; and allows motion to be filed in correct case.
June 2013 & later	Cannon's counsel writes to support Pope's attempts to protect "I Feel Good" Trust by alternate formal probate of 1999 Will, which a incorporates by reference almost-identical "I Feel Good" Trust. Cannon's counsel supports, but cannot help.
July 2013	Son Daryl launches webside to save "I Feel Good" Trust. Bauknight, and later Movant, take no action to preserve this admission.
September 2013	Copyright expert Marc Toberoff confirms Hynie not spouse. Suggests Bauknight is allowing Hynie and son to usurp Estate's termination rights.
Fall 2013	Appellant learns Michael's heir status in jeopardy. Files motion to be <i>pro bono publico</i> GAL for Michael, James Curtis and DOE Defendants not challenging estate plan. Michael calls from prison to thank.
October 8, 2013	Judge Early "double approves" \$600,000+ paid to Buchanan. No disgorgement. Does not preclude voiding settlement in

Wingate Suit.

October 8, 2013	Bauknight files accounting which reveals \$563,000 payment to Wingate.
October 10, 2013	Judge Roe issues <i>ex parte</i> Order. No service. No summons. No hearing. No notice. No parties named in Order.
December 16, 2013	Judge Early severs Hynie and Son's claims.
December 2013	La Rhonda dies. Movant goes to January hearing and presents "consent" Order signed by lawyer who advised Judge Early 6 months earlier that he had been terminated by La Rhonda; asked to be relieved; and asked the Court to give her time to secure counsel.
By December 2013	Adams and Reese paid \$250,000.000+ for three months' service.

More than a year after the first *Wilson v. Dallas* decision the Attorney General Wilson has abandoned the "I Feel Good" Trust and Sojourner and Bauknight:

1. Failed to comply with *Wilson v. Dallas* to have Judge Early review 40% contract and \$563,000 payment to Wingate; payments to Nexsen Pruet, Adams and Reese, and others.
2. Failed to comply with *Wilson v. Dallas* by securing *ex parte* appointments for Sojourner and Bauknight as described.
3. Are spending funds James Brown gave to the "I Feel Good" Private Foundation at a rate of about \$2 million per year to dismember "I Feel Good" Trust and defeat status of HALF of James Brown's *real* heirs who are not challenging Brown's estate plan and with whom Federal Copyright Act contracts could be made for 1/10 that amount.
4. Are continuing State/AG McMaster's 2010 Wingate Suit seeking tens of millions of dollars from Buchanan and Pope for conducting the *Wilson v. Dallas* appeal through private Wingate firm.

5. Have worked with AG Wilson to continue three FOIA suits; consolidate them with the Wingate Suit; and delay FOIA compliance for years, concealing the following, and other, public documents:

a. Attorney General Wilson's copy of the so-called Hynie "diary," provided to AG McMaster after the Hynie "Diary" Gag Orders and which he considered in the 2008 settlement.

b. The Legacy Trust Amendments made by AG McMaster in January 2011, days before leaving office, related transfers.

c. The Bauknight \$4.7 "appraisal."

6. Through the creation of entities for which Bauknight is not accounting, and reporting Brown's assets at less than \$1 million (most at \$1.00), Bauknight is concealing the value of the "I Feel Good" assets to the detriment of needy students.

Movant has unclean hands. He is working against the "I Feel Good"

Trust.

II. James Brown's incarcerated son Michael and all Appellants are Aggrieved by the Orders, which are appealable; and have standing.

Movant complains that Appellants are not parties to the "Underlying Action." Any failure to participate is a direct result of the June 13 Orders and failure of summons, service and notice in the above four cases, and others, which is caused directly by the State, assisted by Movant, denying Appellants' Due Process, First Amendment and Equal Protection Rights, as well as their rights under the S. C. Probate Code ("SCPC") and S.C. Trust Code ("SCTC").

Appellants are all Interested Persons under the SCPC Section 62-1-201 (23). All are aggrieved because their substantial and valuable property interests have been finally damaged by the orders which are the subject of this appeal. All are materially affected by being shut out of Hynie's claims, the claims of

her son, and the Levenson Intestacy Suit. None has challenged Brown's estate plan. All are required by the law and the constitutions to be allowed to:

1. Participate as parties in the James B. claim and both Hynie claims because they are heirs or creditors and the claims affect their property interests.
2. Be served, have an opportunity to respond, and participate fully in the Levenson Intestacy Suit, Hynie and Jams B. claims.
3. Seek a stay of the proceeding until the Summary Judgment that Hynie is not Brown's spouse and James B. not Brown's Child can be decided in the Wingate Suit because Attorney General Wilson, Bauknight, Hynie and James B. have prevailed in their assertion that these matters must be heard in Richland County.

It is undisputed that Michael, incarcerated in California, must have a GAL to protect his interest in the Hynie, Levenson Intestacy and James B. proceedings. And that none of Appellants are being protected.

The orders which are the subject of this appeal finally determine Michael's and other Appellants' rights to participate in these important cases.

The rights of all heir/Appellants to enter into fair arms'-length contracts with the Estate/"I Feel Good" Trust and cooperate in termination rights elections under the Federal Copyright Act is materially and adversely affected by these orders. Cooperation of HALF (or half + 1) is all that is needed to assure that Brown's \$3+ million annual Royalties will flow to needy students for decades. Hynie, her son and those contesting the 2000 and 1999 estate plans are being treated unfairly by the State, as they have been since August 10, 2008.

The Estate/"I Feel Good" Trust and the AG should be providing proper treatment to the cooperative HALF not challenging the estate plan, currently:

1. Lisa, 2. Michael, 3. La Rhonda, 4. Nicole, 5. Jeanette, James Curtis (Subject to Peeples Protocol) 6. La Rhonda's 2 daughters and DOE Defendants being identified.

S.C. Code Section 14-3-330 provides appeals may be taken from:

... (1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions...

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, ... or (c) strikes out an answer or any part thereof or any pleading in any action;

Appellant Pope has multiple bases for standing to participate in all James

Brown cases now pending in Aiken County, including:

1. Appellant Pope is a Creditor Appellant has not been paid for the six years she devoted about 80% of her professional time to protecting James Brown's Estate/2000 Trust and "I Feel Good" Trust, including her allowed and court-approved claim.

While she has been serving *pro bono publico* since May 2013, she has a right to be paid for her contracted, allowed, and court-ordered SA payments and payments for her service to May 26, 2009. Her material property rights are affected by everything related to Hynie and her son for so long as the claimed fiduciary of the Estate/2000 Trust is Hynie's co-plaintiff in the Wingate Suit or the Wingate Suit, FOIA suits in which the Estate/2000 Trust, with Hynie, is seeking to intervene, and the Forlando Federal Suit remain unresolved.

After her faithful service to the "I Feel Good" Trust, the Attorney General of South Carolina is still allowing Pope's career and reputation to be ruined by false felony claims by a person claiming to represent the State/AG and Hynie. The same is true of Buchanan. Pope is materially aggrieved by being shut out of the proceeding to confirm that Hynie and her son are not heirs.

2. Appellant Pope has Special Interest Standing Under §62-7-405.

Appellant has devoted time, effort and study to protect the "I Feel Good" Trust. AG Wilson has withdrawn from its protection. Bauknight has declared his intention to dismantle it – again. Appellant is qualified as an "Other" and is willing to serve *pro bono publico*.

3. Appellant Pope has a Counterclaim with Proposed Offset against Bauknight as agent for Terry, Hynie and others in the 2010 Wingate Suit brought by Bauknight.

4. Appellant Pope has a counterclaim in the Forlando Suit. While the federal court has recently praised the work of Buchanan and Appellant but declined to charge Forlando Brown's trust share with 4-year cost of his attempt to return the Cannon Trustees, that matter is not final.

5. The State, Hynie and Estate are still interfering with FOIA rights.

This appeal, and all since June 13, 2013, demonstrate why "Others" under Section 62-7-405 are allowed to help enforce charities. The Settlor is dead. The Attorney General has turned his back on the "I Feel Good" Trust. And its claimed trustee Bauknight has an irreconcilable conflict.

The probate and circuit courts, at the request of Bauknight and Movant, are continuing the State's pattern of ignoring Due Process, First Amendment and Equal Protection and statutory rights of all creditors, heirs and others who support the "I Feel Good" Trust. And overlooking about \$2 million a year being spent to dismember it – again.

Appellants incorporate the Initial Brief filed in Appellate Case No. 2013-002582 dated February 11, 2014; the Reply to Return to Petition for Rehearing in Appellate Case No. 2013-2582, filed February 28, 2014; the Initial Brief filed in Appellate Case No. 2013-1649 on February 21, 2014; and the Return and Opposition of Appellant to Motion to Dismiss filed in Appellate Case No. 2014-

00250 on March 21, 2014 as additional support for their standing and the fact that the orders may be appealed now.

III. Michael and the Claimed Heirs are Entitled to GAL.

Rule 17 (c), SCRCP 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; ..."

Appellant Pope asked to be appointed GAL for Appellant Michael and other claimed heirs who are not challenging the estate plans when it became clear that Movant was aiding Hynie, her son, and Levenson in their attempts to defeat both the rights of heirs and the Royalty copyrights of the Estate/"I Feel Good" Trust.

Movant and David Bell, Esquire, then asserted he did not need a GAL. But Michael, unsolicited, called Appellant Pope from prison to thank her. She declined to talk to him, but said she would report to the Court. She did. Judge Early declined to appoint her or to hold a hearing.

Bell has a troublesome history with the State and Federal Courts in the seven years since Brown's death, Bell has filed six grievances against Levenson. Bell even made the false claim that Forlando's 30% contingency fee agreement with Levenson was forged.

Bell and client Forlando Brown then brought suit in federal court claiming (falsely) Forlando was not a party to any State Court Suit. They attached to Forlando's verified complaint a fabricated post-death second "Schedule B" which made it appear that Brown's publicity rights – worth nearly \$50 million –

had been placed in the 2000 Trust before Brown died.

Forlando and Bell used the fabricated second Schedule B; the claim that Forlando had no State Court remedy; and two false affidavits of Bell as the backbone for trying to enjoin the 2000 Trust for four years until the Cannon trustees were reinstated.

Since 2011 Bell and his sponsor, with Forlando as the real party in interest, have been making simultaneous conflicting material representations to different James Brown courts, including:

Forlando's Position

\$100 million is a conservative at-death value for Brown's music empire; the \$4.7 million claimed value is "bogus."

Hynie was not Brown's spouse; knew it; and begged him to marry her after Brown discovered she was married when they had a ceremony.

He was part of 2 offers to buy the music empire for \$90 - \$100 million, and \$150 million offers were still available in 2008

Terry's Position

Bauknight's claimed \$4.7 million value for the music empire is correct.

Hynie is Brown's spouse

There were no offers To buy Brown's music empire.

In 2014, after these false claims hit their mark, and Buchanan and Pope were not reinstated, Mr. Bell boasted to the federal court that the *Wilson v. Dallas* decision was a permanent stain on their careers. This was correct.

The Attorney General not only allowed this extraordinary deception. He enabled it by refusing FOIA compliance for nearly three years.

Under the SCPC James Curtis, who is a Levenson Intestacy DOE Defendant identified in 2012 and awaiting DNA testing, should have a GAL,

along with other DOE Defendants. [See Exhibit D. The Order of Judge Early makes clear that the purpose of the Levenson Intestacy Suit was to finish the proper heirs determination for to protect the Royalty Copyrights. Footnote 1 references "the position of Defendant PR/Trustees ...that the action to set aside the Will and Trust is without merit." But it then confirms "...however, ... the determination of the lawful heirs of James Brown may have being on other rights and obligations of the parties." Then the notice to be published states in relevant part:

Nature off Action: The purpose of this action is to determine all lawful heirs at law of James Brown, including lawful heirs at law who may be entitled to right under state and federal laws.

Had AG McMaster and David Bell, Esquire, not claimed that an Order of the Honorable Jasper Cureton dated May 28, 2008 in the Dallas appeal stopped all action of the 2000 Trust, Michael and the Doe Defendants might have gotten a GAL. And the Defendants might have all been served in the Levenson Intestacy Suit. Instead, matters involving the 2000 Trust were stayed until the Order of Judge Cureton dated July 14, 2018 – the third order approving the Chritie's sale – was issued.

In that Order Judge Cureton made clear the Buchanan and Pope had full authority to proceed with Trust matters, as well as Estate matters.

Less than a month later AG McMaster claimed the authority to take over the operation of James Brown's private property; "stipulated" that Hynie was Brown's wife; and started "speaking as one" with Hynie and her son.

The Estate/"I Feel Good" Trust's protection of its copyright was put on hold for almost four years. Since May 8, 2013 Bauknight – still agent for Hynie and her son– has continued the State's destruction of the Royalty copyright protection plan. With the help of Movant.

As demonstrated in Exhibit E, it is time to protect the "I Feel Good" Trust; serve the Defendants in the Levenson Testacy Suit; make Michael, James Curtis and the DOE Defendant, by their GAL, parties; and prevent a second dismembering of the "I Feel Good" Trust. It is troubling – and incorrect – for a person claiming to be protecting the Estate/2000 Trust to claim that these Orders are not appealable. They possess every element of finality as to all Appellants – heirs, creditors and all "Others" who want to see the "I Feel Good" Trust enforced.

IV. Movant and Bauknight Have Placed the 1999 Will in jeopardy.

It is hard to understand that Movant, claiming to protect James Brown's noble estate plan, would tell the court that the proposal of "Others" under SCTC Section 62-7-405 to support alternate probate of James Brown's backup June 15, 1999 which Movant, AG Wilson and Bauknight refuse to support "has never been recognized by any court," and is "nonsensical, and equally without merit."

One can only suspect that Movant either is unaware of the contents of the 1999 Will or seeks to destroy the "I Feel Good" Trust.

The 1999 Will, along with the voice tape James Brown made in contemplation of its execution, make James Brown's estate plan ironclad.

In two separate wills and two separate trusts over two year – and in the

voice tape – Brown made his intentions clear: He wanted to give his music empire solely to the “I Feel Good” Trust to education needy students. He wanted to exclude from his music empire all past and future spouses and all heirs – acknowledged and not. And he wanted his fiduciaries to vigorously enforce his estate plan. With *In Terrorem* forfeiture clauses, if necessary.

Brown said this in four separate documents. Both wills incorporate the terms of the accompanying trust. Each will standing alone creates the “I Feel Good” Foundation even if the trusts themselves are revoked.

This is not nonsensical or without merit.

Movant has joined with Bauknight in jeopardizing the 1999 Will of James Brown which just strengthens Brown's plan to leave his entire music empire to the “I Feel Good” Trust. If not protected, this 1999 Will may be voided under the 10-year rule of the SCPC.

The 2000 estate plan and 1999 Will and the trust it incorporates – with Brown's own voice tape – make his estate plan one of the strongest in reported cases -- or known to Appellant Pope in more than 35 years of trust and estate experience.

There is simply no reasonable basis for Movant to reject *pro bono publico* support if he, himself, will not advance the 1999 will as a backup to Brown's noble estate plan.

Request for Court to Require Documents to be Produced by Clerk

Appellants respectfully requests that the so-called Hynie “diary,” a copy

of which is in possession of AG Alan Wilson, be produced under the Supreme Court's Order 2014-04-15-02. Since the Attorney General has advised the Court that AG McMaster considered it in making his decision in 2008, it should be made public.

Appellants also request that Movant be required to produce the less-than \$4.7 million appraisal Bauknight filed under seal after *Wilson v. Dallas*.

The State has spent taxpayer dollars to prevent release of these document for years. Recently-revealed accounting figures suggest "I Feel Good" Trust scholarship funds are being used to assure they not come to light.

Conclusion

Appellants reject all arguments made by Movant. For the reasons stated herein, Appellants request that the Court deny the Motion to Dismiss this appeal.

Appellants also respectfully request that this Honorable Court, *sua sponte*, direct that the so-called Hynie "Diary" and \$4.7 million James Brown music empire appraisal, be filed in this appeal.

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 16, 2014

Attachments

- Exhibit A: Ltr. of Pope to Hon. Nikki Haley and Hon. Alan Wilson
dtd 4/1/14
- Exhibit B: Ltr., Pope to the Hon. Alan Wilson and others, dtd.
4/3/14
- Exhibit C: Ltr. Marc Toberoff to Warner Chappell, dtd. 9/23/13
- Exhibit D: Order of the Hon. Doyet A. Early, III, dtd. 3/8/08,
Case 2007-CP-02-0122 (later "Case 872")
- Exhibit E: DNA & DIGNITY

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

April 1, 2014

Exhibit A

The Honorable Nikki R. Haley
Governor
1205 Pendelton Street
Columbia, South Carolina 29201

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

Re: The James Brown "I Feel Good" Private Foundation

Dear Governor Haley and Attorney General Wilson:

Entertainment icon James Brown left his worldwide music empire to The James Brown "I Feel Good" Trust – solely to provide scholarships for needy students studying in South Carolina and Georgia.

I write to ask you to protect those scholarship funds by investigating the 2013 accounting mailed to me on March 24, 2014 by Russell Bauknight.

Mr. Bauknight claims the at-death value of Brown's gift to the "I Feel Good" Trust was about \$3 million. All other fiduciaries value it at about \$80 million. Mr. Bauknight's accounting gives no indication of current value.

Here are just *some* of the issues raised by the 2012 and 2013 accountings:

Payments to Law Firm of Kenneth Wingate, Esq. (Sweeney, Wingate & Barrow)

(In addition to 40% Contingency Contract)

2012	Payments to Wingate Law Firm ¹	\$563,000.00+
------	---	---------------

Payments to Nexsen Pruet Law Firm

2013	Payments to Nexsen Pruet Law Firm	\$770,000.00+
------	-----------------------------------	---------------

Mr. Bauknight's PR/Trustee service from 2009 to May 8, 2013 was declared void by the South Carolina Supreme Court, which also directed the Court to:

...review the propriety of all fees, including attorneys' fees and trustees' fees, paid in relation to this action, and shall order all unearned or unapproved fees to be disgorged and returned to Brown's Estate.

¹The 2013 Accounting shows a July 26th \$500,000 deposit from Mr. Wingate's firm. The description for this deposit is "Richland Case 4900 Refund." Case 4900 is the still-pending 2010 lawsuit in which Henry McMaster, as Attorney General, acting through Mr. Wingate, sued Robert Buchanan, Jr. and Adele Pope. There is no explanation for why Mr. Wingate's firm would have held \$500,000.00 for 7 months, in addition to his contingency fee.

Ltr. to The Honorable Nikki Haley and
The Honorable Alan Wilson
April 1, 2014
Page 2

I do not believe either Judge Manning or Judge Early has reviewed the \$563,000 payment to Wingate or the Nexsen Pruet fees².

In October 2013 AG Wilson withdrew from Aiken County cases. Days later a limited special administrator ("LSA") was appointed without a hearing. Although a lawyer himself, the LSA spent over \$250,000 in 2 months *fighting* the "I Feel Good" Trust by trying to un-acknowledge 3 DNA-proven and acknowledged daughters of James Brown -- as well an incarcerated son. He did so with knowledge that recognition and modest agreements with these 4 would almost-immediately clear the path to protect the "I Feel Good" Trust's royalties for decades. Instead, he paid:

Payments to Adams & Reese, LLP

Nov. - Dec. 2013 Payments to Adams & Reese (2 mos) \$253,170.27

The 2013 accounting shows a transfer of \$600,000 from Biopic, LLC. It does not show what Biopic received. Or give any value. This is an entity Mr. Bauknight created.

Transfers of \$1,150,000.00 from James Brown, LLC. are not explained. No transactions of James Brown, LLC are shown. And no value is given.

The customary \$3+ million of Brown's annual royalties are not reported. Nor is the \$1.5 million Mr. Bauknight said would be paid for the movie.

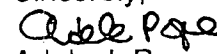
Both accountings violate Probate Code requirements to list the value of assets.

IRS guidelines tie the "I Feel Good" Trust's scholarship distributions to market value. If not corrected, these accountings could cause millions of dollars of loss annually in scholarships to needy students.

If properly protected now, James Brown's "I Feel Good" Foundation could appropriately honor James Brown; be a source of pride for our State; and serve as reminder of the importance of private philanthropy to all South Carolinians.

Thank you for your consideration.

Sincerely,


Adele J. Pope

Enclosures: 2012 & 2013 accountings.

²The Wingate fee is particularly troublesome since Wingate had a 40% contingency contract to file suit on behalf of the State & others. [Mr. Bauknight still claims to be the agent for the AG, even though there is considerable question about the legality of his claim.] Mr. Wingate is seeking relief from default in the Richland County Suit. But for nearly 3 years his attempts to intervene on behalf of the Legacy Trust created by AG McMaster and others in 3 FOIA suits have helped stall FOIA compliance.

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

April 3, 2014

Exhibit B

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

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

Russell L. Bauknight
% William Newsome
Nexsen Pruet
1230 Main Street, Suite 700
P.O. Box 2426
Columbia, South Carolina, 29202-2426

Re: Saving The James Brown "I Feel Good" Private Foundation -
Proposal for \$200,000 per year settlement in lieu of
\$2 million per year legal fees to Adams & Reese and Nexsen Pruet

Dear Attorney General Wilson, Dave and Russell:

On September 13, 2012 the State of South Carolina, speaking through AG Wilson and three assistants (including Sonny Jones, who signed for AG Wilson), joined Tommie Rae Hynie and Terry Brown (Matt Bodman) in the following representations to the South Carolina Supreme Court:

"This appeal is an unabashed attack on **Mrs. Tommie Rae Brown, the surviving spouse of James Brown...** And while Pope can use her word processor to change the caption, there is nothing she can do to change the facts establishing Tommie Rae's marriage to James Brown. ...Pope has inappropriately used her brief...to carry out a back-door challenge to the **family's** settlement agreement which is the subject of the *Wilson v. Dallas* appeal before the Supreme Court..." [Emphasis supplied]

Then there were pages of "setting the record straight" trying to prove that Ms. Hynie had been Brown's wife. AG Wilson claimed AG McMaster's due diligence included:

reviewing a copy of the diaries at issue before the protective orders

AND:

... Pope clings to *her* frivolous allegation that there was an
impediment to the marriage of James and Tommie Rae...

Just 5 months later the first *Wilson v. Dallas* decision suggested that challenging
Ms. Hynie's claim was not that frivolous.

Between the September filing and the *Wilson v. Dallas* decision, *in a suit brought
by Henry McMaster as Attorney General of South Carolina*, and Russell Bauknight as
the AG's claimed agent, Russell Bauknight paid \$563,000 from the funds James Brown
gave to the "I Feel Good" Trust to the firm of Kenneth Wingate. To protect Ms. Hynie.

The \$563,000 was in addition to Ken Wingate's 40% contingency.

TODAY - April 3, 2014, a year after *Wilson v. Dallas* – Mr. Wingate is *still*
speaking for the State of South Carolina. Russell Bauknight, *still* claims to speak both
for AG Wilson and Ms. Hynie in the Wingate Suit.

And Nexsen Pruet and Adams and Reese are being paid at an annual rate of
about \$2 million a year to fight against (1) a plan to save the entire "I Feel Good" Trust;
(2) the copyrights to its Royalties to more than 800 songs; AND (3) the HALF of James
Brown's real heirs who will make the plan work.

I urge you not to waste another \$2 million this year. The problem can be solved
in a matter of months for about \$200,000 – with very little legal costs. It is mostly a
matter of pulling out the orders and motions pending when AG McMaster took over the
operation of Brown's estate and Trust. Adams and Reese refuses to do that. But
charge a quarter of a million dollars in 3 months. With nobody checking on it.

The plan is clear and simple. It will probably bring the Estate litigation to a close
in less than a year – except for a possible appeal by Ms. Hynie. Of little concern. It is:

1. MAKE COPYRIGHT DEALS ONLY WITH THOSE NOT
CHALLENGING THE WILL AND 2000 TRUST.
2. PROTECT THE BACKUP 1999 WILL & TRUST WHICH MAKE THE
ESTATE PLAN IRONCLAD.
3. MAKE AGREEMENTS WITH NON-PRESUMED, DNA-PROVEN
CHILDREN WHO WILL ACTIVELY SUPPORT THE ESTATE PLAN AND
HAVE CHALLENGED MS HYNIE'S SPOUSE STATUS: Tonya (subject to
Peoples DNA Protocol); La Rhonda (now children); Nicole; Jeanette;
James Curtis (subject to Peoples Protocol); Michael.
4. CONTRACT WITH ONLY HALF (Or Half + 1) of the Children:
That's all you need to protect the copyrights.

5. ONLY CONTRACT WITH THOSE WHO ACCEPT REASONABLE OFFERS. DON'T BE RUSHED.

6. VOID THE 6-year old **GAG ORDERS**. YOU DON'T HAVE TO LOOK AT THE original HYNIE "DIARY". AG WILSON and loads of others have copies. And Forlando Brown and Albert Dallas have already discussed the contents in the media AND under oath in sworn statements/depositions. [Remember, everyone knows what the contents are. And two AGs never even complied with the Gag Orders by turning in their copies.]

7. DON'T REQUIRE JAMES B. TO TAKE A DNA TEST. JUST MOVE TO DISMISS HIS CLAIM BECAUSE HE DID NOT ATTACH A SUMMONS; FILED IT IN THE WRONG COURT; DID NOT SERVE THE AFFECTED HEIRS, AS REQUIRED; AND IS **NOT JAMES BROWN'S PRESUMED CHILD BECAUSE HE WAS NOT BORN OF ANY MARRIAGE**. And he did not even serve the Estate or 2000 Trust with a Summons and Complaint

(It will be his problem to decide whether he takes the DNA test. If so, do not let Adams and Reese disclaim knowledge of the chain of custody. Remember, James B's counsel has already announced once to the media that he passed a DNA test with improper chain of custody.)

The \$300 James B. problem, as a result of the action of Mr. Bauknight and two AG s – and now Adams and Reese – has been allowed to become a 7-year \$1 million dollar problem – at the expense of needy student beneficiaries of the "I Feel Good" Trust.

8. STOP WASTING HUNDREDS OF THOUSANDS OF DOLLARS TO FIGHT DNA-PROVEN AND ACKNOWLEDGED CHILDREN. [Instead, make them a fair offer. If they don't accept it, wait 6 months and make it again.]

9. MAKE THE FOLLOWING OFFERS in exchange for: (1) Termination Rights Cooperation; (2) Support of the 2000 Estate Plan; (3) and Support of the Estate/2000 Trust's position that James Brown died without a surviving spouse. [AND TR waived all claims even if a spouse.]

A. To the FIRST of DARYL or TERRY to accept: \$50,000 a year for life;

Ltr. to Attorney General Wilson and others

April 3, 2014

Page 4

B. To the SECOND of Daryl or TERRY, if he accepts within 30 days: \$20,000 a year for life.

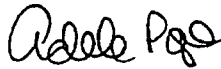
C. TO THE FIRST FOUR of Nicole, Jeanette, LaRhonda (now daughters), Michael PLUS any of James B., Tonya and James Curtis who take and pass DNA test under the Peebles DNA Protocol): \$20,000 per year for life.

There is simply no reason to pay \$2 million in legal fees each year to fight this simple, fair – and kind – way to save the "I Feel Good" Trust and allow that \$2 million to be flowing each year to scholarships for needy and deserving student beneficiaries of the "I Feel Good" Trust, as James Brown intended.

I am willing to help *pro bono publico* with saving the "I Feel Good" Trust. Please call on me if I can do that.

Thank you for your consideration.

Sincerely,



Adele J. Pope

AJP/ja

Enclosure: Excerpts, Motion filed by AG Wilson, TR Hynie, Terry Brown & others,
9/13/12

TOBEROFF & ASSOCIATES, P.C.

A PROFESSIONAL CORPORATION

22337 PACIFIC COAST HIGHWAY #348

MALIBU, CALIFORNIA 90265

Tel: (310) 246-3333; Fax: (310) 246-3101

mtoberoff@toberoffandassociates.com

Exhibit C

September 23, 2013

Via E-mail and U.S. Mail

Scott McDowell
Senior Vice President and
Head of Legal & Business Affairs
Warner/Chappell Music, Inc.
10585 Santa Monica Blvd.
Los Angeles, CA 90025

Re: James Brown/Terminations under the Copyright Act

Dear Mr. McDowell:

We represent James Brown's children, Terry L. Brown, Larhonda Waller, Deanna Brown Thomas, Yamma Brown, Venisha Brown, Jeanette Mitchell Bellinger and Cinnamon Nicole Parris, and James Brown's grandchild, Sarah LaTonya Fegan a.k.a. Tonya Brown (collectively, the "Heirs"), who are believed to constitute all or a super-majority of James Brown's statutory heirs entitled to exercise termination rights under 17 U.S.C. §304. On the Heirs' behalf, we will be serving Warner/Chappell Music and others, in the near future, with statutory notices of termination regarding Mr. Brown's music.

The Heirs are informed and believe that Tomi Rae Hynie and James ~~Brown~~, acting as James Brown's putative surviving spouse and child, respectively, have served purported notices of termination regarding his musical compositions (the "Tomi Rae Termination"). The Heirs are further informed and believe that the Tomi Rae Termination is being handled by a representative of the Estate of James Brown, despite the glaring conflicts of interest that this would appear to entail.

This letter is to notify Warner/Chappell Music that the Heirs vigorously contest the validity of the Tomi Rae Termination and the standing of Tomi Rae Hynie and James ~~Brown~~ to serve any notices of termination under the Copyright Act regarding James Brown's music.

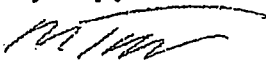
The Heirs' claim is based, without limitation, on the well-known fact that when Ms. Hynie purported to marry James Brown in December 2001 she was already married to Javed Ahmed (since 1997). The Heirs contend that this rendered her 2001 marriage void, and that the 2004 default judgment thereafter obtained by Ms. Hynie from a South Carolina family court, annulling her marriage to Mr. Ahmed, did not resuscitate Ms. Hynie's 2001 marriage to Mr. Brown pursuant to the recent on-point decision of the South Carolina Supreme Court in *Lukich v. Lukich*, 379 S.C. 589, 592 (2008) ("The question is whether the [2003 annulment order declaring Wife's first marriage void *ab initio* relates back so as to validate her purported 1985 marriage." "While an annulment order relates back in most senses, it does not have the ability to validate the bigamous second [1985] 'marriage.'").

Furthermore, Ms. Hynie's default judgment in *Tomi Rae Hynie v. Javed Ahmed* has no claim or issue preclusion effect on the Heirs as they were not parties to that action, and, in any event, the purported findings of fact and conclusions of law in that default judgment have no issue preclusion effect because such issues do not appear to have been "actually litigated" on the merits. See *State v. Bacote*, 331 S.C. 328, 330-31 (1998) ("In the context of a default judgment, collateral estoppel or issue preclusion does not apply because an essential element of that doctrine requires that the claim sought to be precluded actually have been litigated in the earlier litigation."). The Heirs' challenge to James Brown's paternity is based, among other things, on his refusal to take a simple Court-supervised DNA test verifying that he is James Brown's child.

Please be further advised that these essential legal matters will be the subject of pending litigation in the South Carolina courts or in an alternative forum.

We hope to keep you well advised as this process marches towards a resolution. In the meantime, the Heirs and I look forward to an amicable relationship with Warner/Chappell Music regarding their statutory termination interests, and the future of James Brown's music.

Very truly yours,



Marc Tobero

cc: Kelly Burnett via E-mail, Senior Director, Legal & Business Affairs
Warner/Chappell Music, Inc.

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS
) CASE NUMBER: 2007-CP-02-0122.

COUNTY OF AIKEN

1. DARYL J. BROWN, individually and on behalf)
of his minor children, LINDSEY ~~BROWN~~)
~~BROWN~~ and JANISE ~~BROWN~~ BROWN, 2.)
VANISHA BROWN, 3. LARRY BROWN, 4.)
DEANNA J. BROWN THOMAS, individually and)
on behalf of her minor child JASON ~~BROWN~~)
LEWIS, 5. YAMMA N. BROWN, individually and)
and on behalf of her minor children SYDNEY)
~~BROWN~~ and CARRINGTON ~~BROWN~~ and 6.)
TONYA BROWN)

Plaintiffs,

v.

ADELE POPE as Personal Representative of the)
Estate of James Brown and as Trustee of the)
purported Irrevocable Trust of James Brown dated)
August 1, 2000, ROBERT L. BUCHANAN, JR. as)
Personal Representative of the Estate of James)
Brown and as Trustee of the purported Irrevocable)
Trust of James Brown dated August 1, 2000,)
TOMMIE RAE BROWN, as the potential heir of)
James Brown, JAMES ~~BROWN~~ ~~BROWN~~ as the)
potential heir of James Brown, CINNAMON)
NICOLE MERNICKLE PARIS as the potential heir)
of James Brown, LARHONDA PETITT as the)
potential heir of James Brown, JEANETTE)
MITCHELL, as the potential heir of James Brown,)
TERRY BROWN, as the potential heir of James)
Brown, ROMUNZO BROWN as the potential heir)
of James Brown, FORLANDO BROWN, as the)
potential heir of James Brown, HENRY DARGAN)
MCMASTER in his capacity as ATTORNEY)
GENERAL OF THE STATE OF SOUTH)
CAROLINA, JANE DOE and JOHN DOE numbers)
I, II, III, IV as potential heirs and/or devisee and/or)
beneficiaries of James Brown and as representatives)
of all other persons known or unknown claiming to)
be an heir and/or devisee and/or beneficiary of)
of James Brown.)

Defendants.

Exhibit D

ORDER RESOLVING MOTION OF
PR/TRUSTEES TO DISMISS AND
REQUIRING SERVICE
BY PUBLICATION

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

MAY 10 2008

CCCP, & GA, Aiken County, S.C.

This matter was commenced with the filing by the Plaintiffs on December 26, 2007 of two separate Complaints. This Court has jurisdiction to hear this matter because it was duly removed to the Circuit Court on Motion of the Honorable Sue Roe, Probate Judge.

Within 30 days after filing of the original complaints, they were consolidated into a single amended complaint. On or about January 15, 2008, Defendants Adele J. Pope and Robert L. Buchanan, Jr., as Personal Representatives of the Estate of James Brown and as Trustees of the James Brown 2000 Irrevocable Trust (the "PR/Trustees") served a Motion to Dismiss or Consolidate and for Related Relief. This Order resolves the PR/Trustees' motion.

Plaintiffs give notice that their position as to the lawful heirs of James Brown and their respective shares is as follows¹:

1. Daryl J. Brown (1/6)
2. Vanisha Brown (1/6)
3. Larry Brown (1/6)
4. Deanna J. Brown Thomas (1/6)
5. Yamina N. Brown (1/6)
6. Terry Brown (1/6)

Plaintiffs have agreed to the clerical change in the caption to correctly name a Trustee.

Plaintiffs agree that it is appropriate to serve all parties by publication in the Augusta Chronicle and the Aiken Standard. Because of the worldwide media recognition of James Brown, and because of James Brown's longstanding connection with Augusta, Georgia and Aiken, South Carolina, Plaintiffs and other parties assert that publication in these papers will

¹ This is without prejudice to the position of Defendant PR/Trustees and certain others that James Brown died testate and that the action to set aside the Will and Trust is without merit. Said defendants acknowledge, however, that the determination of the lawful heirs of James Brown may have bearing on other rights and obligations of the parties.

*

SMC
HL

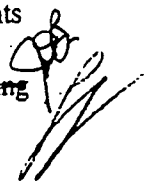
provide the best notice to the Doe Defendants.

It is therefore ORDERED, ADJUDGED and DECREED:

1. The Caption is hereby modified as stated above.
2. Plaintiffs shall publish the Summons for 3 weeks in the Augusta Chronicle and the Aiken Standard as provided by law, and shall also publish therewith the following notice:

* Nature of action: The purpose of the above action is to determine all lawful heirs at law of James Brown, including lawful heirs at law who may be entitled to rights under state and federal laws. This action is also an action by plaintiffs to set aside the will of James Brown and the James Brown 2000 Irrevocable Trust, along with its subtrusts, the Brown Family Education Trust and The James Brown "I Feel Good" Trust. Failure to respond to the summons and complaint may result in loss of any and all rights with respect to the above matters. *

3. Plaintiffs shall serve all defendants with the amended complaint within 30 days.
4. Defendants who have been served but who have not answered the Amended Complaint shall have Thirty (30) days from the date of this Order to answer, move or otherwise appear.

5. The resolution of the PR/Trustees' motion to dismiss is without prejudice to the rights of any party to assert any defenses, counterclaims and/or crossclaims in the proceeding, ~~including but not limited to laches and statutes of limitations.~~ 

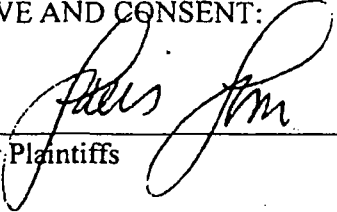
AND IT IS SO ORDERED.



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

March 8, 2008
Aiken, South Carolina

WE SO MOVE AND CONSENT:


Attorneys for Plaintiffs

3/7/08

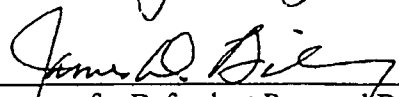

Attorney for Defendant Personal Representatives
and Trustees

Exhibit E

DNA & DIGNITY

(Proposed Plan for "I Feel Good" Foundation to Protect its Royalties for Needy Students)

1. The "I Feel Good" Foundation's Position and Protocol.

- a. James Brown died unmarried on December 25, 2006. [Toberoff, etc.]
- b. Termination rights agreements will be made only with DNA-proven or Presumed children who support James Brown's noble estate plan.
- c. Current candidates (subject to abandoning any claims) are:
 - a. DNA-Proven: 1. LaRhonda (daughters), 2. Jeanette, 3. Nicole;
 - b. First marriage: 4. Terry, 5. Larry, 6. Lisa;
 - c. Second marriage: 7. Deanna, 8. Yamma;

2. Offer - But do not require – Peebles DNA Protocol for 30 - 60 days.

DNA testing under the Estate's official Peebles DNA Protocol, paid for by the Estate, to be offered for 30-60 days to: 9. Michael (incarcerated), 10. James Curtis, 11. Tonya, 12. James B., 13. DOE Defendants identified as likely heirs by the GAL, Levenson Intestacy Suit.

3. Dignity & Reconciliation for Termination Rights Cooperation of Excluded Heirs.

After above 30-60-days, offer to the first six to accept of: La Rhonda, Jeanette, Nicole, Lisa and anyone passing Peebles DNA Protocol listed above, in exchange for agreement for lifetime termination rights cooperation:

1. Full recognition as heirs by the Estate and "I Feel Good" Foundation at a ceremony to be conducted at Brown's home estate in Beech Island.
2. [If possible] VIP Invitation to, and additional recognition, at the opening of South Carolina screening of "Get on Up!"
3. \$10,000 per year for life, effective 2011.

4. Offer Termination Rights Agreements to some Children Acknowledged in Will.

Make the offer set out above to the first two children acknowledged in the Will to accept – but with payment of \$50,000 per year for life, commencing upon execution of termination rights agreement and withdrawal of all claims against the Will, 2000 Trust and Estate.

5. If two Acknowledged Children do not accept, re-offer to all Excluded Heirs.

6. Consider "splitting heirs" and other available strategies to protect the Royalties for Needy Students as James Brown directed.

7. Update Protocol at death of each child, and as needed.¹

This proposal is consistent with the "Splitting Heirs" technique described in *Private Foundations, Copyright Heirs and Musical Millionaires: why the James Brown "I Feel Good" Trust doesn't....* Also see: The Aspen Institute (supp. 2013). *The artist as philanthropist. strengthening the next generation of artist-endowed foundations.*

The Estate/2000 Trust's plan to protect its rights to more than 800 published and unpublished songs (the "Royalties") was started by Brown's original PR/Trustees in 2007. They established the Estate's official "Peoples DNA Protocol." Using the Peoples DNA Protocol, the Estate identified and officially acknowledged La Rhonda, Jeanette and Nicole. Others were excluded. Incarcerated son Michael's request for testing was interrupted by the AG's 2008 Settlement.

Buchanan & Pope continued the plan to protect Brown's Royalties. They consented to a March 8, 2008 Order of the Hon. Doyet A. Early, III which would have proceeded with the official Heirs determination in the Levenson Intestacy Suit although Brown had two valid Wills.

Four months later – and for nearly five years – the AG's 2008 Settlement stood as an impediment to a proper protection plan for the Royalties.

The completion of a properly-documented Heirs baseline during the probate process would have given the "I Feel Good" Foundation – and gives all charities who have been devised Copyrights – maximum flexibility to:

1. Contract with the half, or half + 1 needed to protect the copyrights ("Splitting Heirs") – 5 or so in the case of the "I Feel Good" Foundation

2. Avoid later costly federal litigation with a proper Heirs baseline.

A proper heirs determination was particularly important in this case because all fiduciaries, all children and others had overwhelming evidence that Brown died without a spouse. And his companion's child was not a presumed child. [He is the only claimed child born in the 22 years between Brown's vasectomy and death.. He has refused DNA testing under the Peoples Protocol for 7 years.] Yet the AG "spoke as one" with the two from August 2008 until May 2013. His appointee became their agent in four separate lawsuits. The AG's contract "stipulated" that both the companion and her son were heirs. The State/AG exempted companion's son from DNA testing under the Peoples DNA Protocol. The State/AG contracted to join them in attempting to defeat the interests of real heirs.

Since February 27, 2013 the Estate/"I Feel Good" Trust has been in a position to complete the Peoples DNA Protocol for non-presumed heirs and make Termination Agreements under the above, or a similar, plan. To do so will provide appropriate respect and recognition for all DNA-proven non-presumed children excluded by Brown.

It will also be good for the "I Feel Good" Foundation.

For under \$200,000 per year (and with almost no attorneys' fees), the above plan would have secured the "I Feel Good" Foundation's Royalties (about \$3 million a year) for needy students for decades. Starting in 2011. It still can.

To accomplish the same result the AG's 2008 agreement proposed to give away 52 ½% of the "I Feel Good" Foundation – about \$40 million at the time.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

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

RECEIVED

APR 22 2014

SC Court of Appeals

Case No. 2008-CP-02-1647

Case No. 2013-CP-02-2849

Case No. 2013-CP-02-2850

Case No. 2013-CP-02-2851

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

v.

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

IN RE:

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

RESPONSE TO APPELLANT'S RETURN AND OPPOSITION
TO MOTION TO DISMISS

David C. Sojourner Jr., as Limited Special Trustee and Limited Special
Administrator of the James Brown Trust and Estate (the "LSA"), responds to Appellant
Adele Pope's ("Pope") Return and Opposition to the LSA's Motion to Dismiss
("Return"). Pope's Return does not enlighten the Court on any issues raised by the
LSA's motion or change the need to dismiss her Appeal. Pope lacks legal standing to
appeal and seeks to appeal interlocutory orders which are not appealable at this time.

POPE'S OWN POINTLESS ACTIONS ARE FORCING THE ESTATE TO EXPEND SIGNIFICANT RESOURCES.

Pope criticizes the Estate's expenditure of legal fees and asserts all parties but she are working to destroy James Brown's estate plan. Ironically, Pope makes these assertions in an appeal that has no legal basis, but is, nevertheless, forcing the Estate to expend significant resources.

Since the Supreme Court remanded this case to the Circuit Court in May, 2013, Pope has filed thousands of pages of motions and appeals. The LSA and his attorneys must take every one of Pope's filings seriously and respond as appropriate. Pope's baseless filings have *grossly* increased the Estate's expenditure of resources, including resources for the LSA to carry out his Court-ordered obligations.

As an example, Pope here appeals the January 8, 2014 Consent Order dismissing the challenge jointly asserted against the Estate by Cinnamon Nicole Parris ("Parris") and LaRhonda Pettit ("Pettit"). Parris and Pettit's challenge *sought to set aside* James Brown's estate plan by asserting James Brown was unduly influenced and defrauded into executing the Will and Trust. The LSA appropriately moved to dismiss Parris and Pettit's challenge and resolved that motion by a consent order wherein Parris and Pettit, through their counsel of record, voluntarily dismissed their challenge. Anyone purporting to work toward "saving the 'I feel Good' Trust" would applaud the LSA's efficient and certain elimination of this challenge to the Estate. Yet, Pope, through this Appeal, is inexplicably attempting to have this Court reinstate Parris and Pettit's challenge, forcing the LSA to expend substantial Estate resources in opposition. If Pope's Appeal succeeds, the Estate would again be exposed to Parris' and Pettit's challenge to set aside the James Brown Will and Trust. Pope's actions are senseless and costly.

THE COURT SHOULD DISMISS POPE'S APPEAL FOR THE SAME REASONS IT DISMISSED POPE'S APPEAL OF THE OCTOBER 1, 2013 INTERIM ORDER.

Pope's Return asserts the same grounds against the present motion to dismiss she asserted against dismissal of her appeal of Judge Early's October 1, 2013 Interim Order, also issued in the Underlying Action¹. This Court dismissed Pope's prior appeal on January 30, 2014, rejecting the same arguments Pope makes against dismissal of this Appeal. The Court should dismiss Pope's current Appeal for those same reasons.

THE LSA HAS STANDING TO ASSERT THIS MOTION TO DISMISS

In Section I of Pope's Return she asserts the LSA lacks standing to seek dismissal of Pope's present appeal. The LSA is the Court-appointed representative of the Estate and Trust and solely represents the Estate and Trust in the Underlying Actions. The LSA argued for the Estate and Trust in hearings resulting in the Orders on Appeal. Pope herself named the LSA as a party to this Appeal. Pope's argument that the LSA now lacks standing to seek dismissal of Pope's appeal is spurious.

Pope's Return frequently and incorrectly refers to the Personal Representative of the Estate (Russell Bauknight) as "Movant" and argues the LSA lacks standing to pursue this motion to dismiss because the Personal Representative's actions² somehow gave the LSA "unclean hands." Even if unclean hands were a legitimate defense to this motion to dismiss, Pope's argument ignores the trial court's clear separation of the LSA's actions and obligations from the Personal Representative's actions and obligations.

¹ Pope asserts on Page 6 of her Return "[t]here are more than a dozen 'Underlying Actions.'" Pope's Appeal only encompasses Civil Action Nos. 2008-CP-02-1647, 2013-CP-02-2849 (Tommie Rae Brown's newly severed omitted spouse claim); 2013-CP-02-2850 (Tommie Rae Brown's newly severed elective share claim); and 2013-CP-02-2851 (James Brown II's newly severed pretermitted child claim). These are the only four civil actions involved in this Appeal.

² While irrelevant to the LSA's Motion to Dismiss, Pope's recitation of the Personal Representative's alleged actions appears to have little, if any, factual basis.

In appointing Mr. Sojourner to defend the Estate against the Will and Trust challenges, the trial court expressly separated the LSA's role from the Personal Representative's role of administering the Estate. The Court appointed the LSA "solely, specifically, and exclusively for the purpose of defending the Trust and the Estate against the claims made in the Will and Trust Challenges." The Court specified the LSA's independence in this role, requiring "that Mr. Sojourner, in his limited capacity, shall remain independent from Mr. Bauknight, shall act with sole and absolute authority in his limited capacity...." October 1, 2013 *Interim Order*, p. 20.

The trial court's Interim Order therefore expressly precludes Pope from asserting the Personal Representative's actions as a defense against the LSA's Motion to Dismiss.

POPE IS NOT AGGREIVED BY THE ORDERS ON APPEAL

In Section II of her Return, Pope asserts Michael Deon Brown, James Curtis, and the fictitious "Doe" defendants are all aggrieved by the Orders on Appeal and that Pope therefore has standing to pursue this Appeal. The LSA explains in his Motion to Dismiss why none of these parties are aggrieved by these Orders. Even if these so-called "Appellants" were aggrieved by the Orders on Appeal, *Pope* would not have grounds to appeal on their behalf. "A party cannot appeal from a decision which does not affect his or her interest, however erroneous and prejudicial it may be to some other person's rights and interests." *Shaw v. City of Charleston*, 351 S.C. 32, 567 S.E.2d 530 (Ct. App. 2002)

Pope must first establish at the trial court that she represents these parties before she can have standing to appeal on their behalf. None of Pope's trial court attempts to establish this representation have succeeded. This Court must therefore reject Pope's assertion that she represents these real and fictitious parties in this Appeal.

**THE COURT CANNOT RELY UPON POPE'S FACTUAL OR LEGAL
ASSERTIONS.**

The Return contains numerous incorrect factual and legal statements. For example, the Return represents:

It is *undisputed* that Michael [Deon Brown], incarcerated in California, must have a GAL to protect his interests in the Hynie, Levenson Intestacy and James B. Proceedings. (emphasis added)

See Return at p. 20. This representation is false. Last Fall Pope moved (unsuccessfully) for the trial court to appoint her as Michael Deon Brown's Guardian *ad litem* ("GAL"), Michael Deon Brown, through his attorneys, filed an Opposition on November 21, 2013.

See Exhibit A. In Michael Deon Brown's Opposition, he stated:

Michael Deon Brown is a competent adult *who does not require a guardian ad litem*. (emphasis added)

Id. Michael Deon Brown clearly and directly disputes he "must have a GAL to protect his interests in the Hynie, Levenson Intestacy and James B. Proceedings."

The Return also represents on page 20:

The orders which are the subject of this appeal *finally determine* Michael's and other Appellant's rights to participate in these important cases. (emphasis added)

This representation, again, is false. The two Severance Orders on Appeal name certain parties to the Severed Actions and exclude *no* party. Michael Deon Brown may, through his counsel, move to intervene, under Rule 24, SCRCP. Only the denial of such a motion could finally determine Michael Deon Brown's right to participate in the Severed Actions.

A final example of the Return's inaccuracies is as follows:

The rights of all heir/Appellants to enter into fair arms'-length contracts with the Estate/"I Feel Good" Trust and cooperate in termination rights elections under the Federal Copyright Act is materially and adversely affected by these orders.

See Return at p. 20. To the contrary, there is nothing in the Orders on Appeal which precludes any party from entering into a contract with the Estate related to termination rights. Federal termination rights are entirely separate from the Underlying Actions and are not at issue in this Appeal.

POPE KNOWS SHE HAS NO LEGAL RIGHT TO ASSERT THIS APPEAL ON BEHALF OF MICHAEL DEON BROWN

By asserting she has standing to file this Appeal as Michael Deon Brown's "Proposed Guardian *ad litem*," Pope is representing she has legal authority to speak for Michael Deon Brown in this Appeal. Pope is well-aware she does not represent Michael Deon Brown, who is already represented in the Underlying Actions.

As discussed above, Pope unsuccessfully moved for the trial court to appoint her as Michael Deon Brown's guardian *ad litem*. In response, Michael Deon Brown's counsel filed a letter and Opposition on November 21, 2013. See Exhibit A. In that letter, attorney David Bell politely informed Pope and the trial court:

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.

Id.

Pope is aware she does not represent Michael Deon Brown in any capacity as a result of her unsuccessful efforts to be appointed his legal representative. Her pursuit of this Appeal on his behalf is unsupportable.

CONCLUSION

For these reasons and those set forth in the LSA's Motion to Dismiss, the Court should dismiss Pope's Appeal.

Respectfully submitted,



John F. Beach, S.C. Bar No. 595

Lyndey Zwing, S.C. Bar No. 100804

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john.beach@arlaw.com

Attorney for David C. Sojourner, Jr., as Limited
Special Representative of the Estate of James Brown
and Limited Special Trustee of the James Brown
August 1, 2000 Irrevocable Trust Agreement

April 22, 2014

Exhibit A

LAW OFFICE OF
DAVID B. BELL

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

Received

NOV 25 2013

Adams and Reese LLP

DAVID B. BELL

SHARON BLAIR ENOCH

JOHN C. BELL
(1916-1967)

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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:

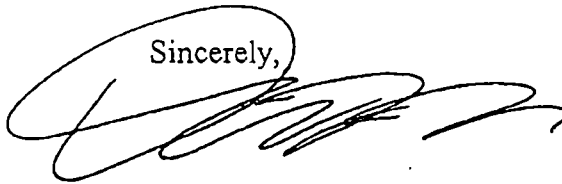
Permit this letter to respond to the November 18, 2013 letter written to Your Honor by Adele J. Pope. In her letter, Ms. Pope seeks to request Your Honor appoint her as the guardian ad litem of Michael Deon Brown.

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

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Ms. Liz Godard
Aiken County Clerk of Court
P.O. Box 583
Aiken SC 29802-0583

Re: The Estate of James Brown a/k/a James Joseph Brown
C/A No. 2008-CP-02-1647

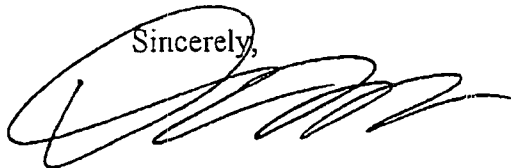
Dear Ms. Godard:

I enclose an original and one copy of the Response in Opposition to Appointment of Adele J. Pope as Guardian Ad Litem for Michael D. Brown in the captioned matter.

Please return a filed stamped copy in the enclosed self-addressed stamped envelope.
Thank you for your attention to this matter.

I am,

Sincerely,



David B. Bell

DBB:chm

Enclosures: as stated

cc: All Counsel of Record

Received

NOV 25 2013

Adams and Reese LLP

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) SECOND JUDICIAL CIRCUIT

)

IN RE: THE ESTATE OF JAMES BROWN
a/k/a JAMES JOSEPH BROWN

)

Case No.: 2007-CP-02-0122

)

Case No.: 2008-CP-02-1647

)

Case No.: 2008-CP-02-0872

)

RESPONSE IN OPPOSITION TO APPOINTMENT OF ADELE J. POPE
AS GUARDIAN AD LITEM FOR MICHAEL D. BROWN

COMES NOW, Michael Deon Brown, by and through counsel, and opposes Adele J. Pope's motion to be appointed Guardian Ad Litem.

In opposition to Pope's motion to be appointed Guardian Ad Litem to Michael Deon Brown, he shows the Court as follows:

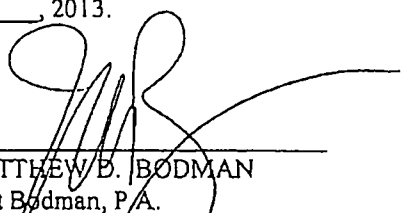
Michael Deon Brown is represented by Matt Bodman and David Bell in and for all matters dealing with the Estate of James Brown or the residual rights.

Michael Deon Brown is a competent adult who does not require a guardian ad litem.

Furthermore, Adele Pope, having been removed by the Supreme Court for cause, should not be allowed back in the case in any capacity.

So moved this 21st day of Nov, 2013.


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Attorneys for Michael D. Brown

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. 2014-000794

72441
RECEIVED

JUN 25 2014

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

PETITION FOR REHEARING

Appellants respectfully petition this Honorable Court to Rehear and reinstate the
appeal dismissed by Order of the Honorable Paul E. Short, Jr. for the Court dated June
16, 2014 (the "Dismissal Order"). A copy of the Dismissal Order is attached as Exhibit
A.

Because they were enjoined from participation in the hearings which resulted in
the orders which are the subject of this appeal, and the Clerk of Court; the Honorable

Doyet A. Early, III, has directed that unheard motions filed between May 8 and June 10, 2013 be removed from the public record; and, as Chief Administrative Judge, has directed the Clerk to unfile and return motions filed by Appellants and persons not parties to an action in violation of their Due Process and Equal Protection rights. Appellants respectfully request that the Court take judicial notice pursuant to Rule 201(d) SCRE, of all filings in cases related to the estate of entertainer James Brown (the "Estate") and the James Brown 2000 Irrevocable Trust (the "2000 Trust") documents since Brown's death on December 25, 2006.

Appellants request that the Court's judicial notice under Rule 201(d) include the Appendix filed herewith, the Petition for Certiorari and Appendix on filed in S.C. Supreme Court Case 2014-001279; the Return and Opposition to Motion to Dismiss and Initial Brief of Appellant in Appellate Case No. 2014-000250; and the filings of Appellant in Appellate Case No. 2013-001649.

Because the Attorney General ("AG") has denied compliance under the South Carolina Freedom of Information Act ("FOIA") as to public James Brown documents since 2011; is seeking to have three FOIA suits transferred to Richland County and made a part of Richland County Case 2010-CP-40-4900 (the "Wingate Suit"); and is denying FOIA compliance as to matters which are the subject of discovery motions in the Wingate Suit, all of which damages the property rights of all Appellants, Appellants respectfully ask that this Court take judicial notice of; *sua sponte* direct the unsealing of (where sealed), and consider the following documents:

1. The so-called Hynie "diary" – widely known handwritten notes of Tommie Rae on which AG McMaster relied in his 2008 decision to give 25% of Brown's "I Feel Good" Trust to Tommie Rae.

2. The \$4.7 million claimed at-death "appraisal" of Brown's worldwide music empire on which AG Wilson based his false felony claims against Robert Buchanan, Jr. and Appellant Pope, and based on which Russell Bauknight and the AG told the S.C. Supreme Court that the amount Brown gave to the "I Feel Good" Trust was less than \$3 million.

3. The Wingate Litigation Retention Agreement - a copy of which is produced at page 440 of the Appendix.

4. The ethics opinion of Prof. Nathan Crystal which Bauknight delivered *ex parte* to the circuit court on July 8, 2013, and which purportedly asserts Bauknight may defend the estate plan of James Brown while he continue to be a fiduciary for Tommie Rae Hynie and agent (without GAL) for her son.

5. The AG's Legacy Trust and amendments, which sued Buchanan and Appellant Pope for tens of millions of dollars to stop the *Wilson v. Dallas* appeal.

6. The Peeples DNA Protocol test results for James B.

7. The commission and fee agreements related to the AG's 2008 Settlement, as ordered produced by the Clerk on March 15, 2010, but which are missing from the Clerk's office. [See Appendix, p. 121]

The Dismissal Order should be vacated and the appeal reinstated for each of the reasons set forth below.

1. The Court overlooked or misapprehended that each Appellant is aggrieved by the appealed orders; each Appellant has standing to Appeal; and the appealed orders are immediately appealable because they finally determine material rights of Appellants; continue the injunction of orders issued in fourteen James Brown cases on June 13, 2013 (the "June 13 Orders"); continue the State's violation of Due Process, First Amendment and Equal Protection rights of all Appellants begun by action of the South Carolina AGI on August 10, 2008; and place all Appellants, The James Brown "I Feel Good" Trust and the "I Feel Good" Foundation's royalty copyrights to more than.

800 songs in direct jeopardy. [See *Private Foundations*, App. p. 196]

2. The Court overlooked or misapprehended that the only reason Appellants are not parties in the cases in which the appealed orders were issued, and Appellant Pope is not their GAL, is that they have been enjoined since June 13, 2013 by improper State Action from participating in the hearings which resulted (and are resulting) in:

a. The June 13 Orders which are the subject of Appellate Case No. 2013-001649, by which Appellant Pope was deprived without proper notice, hearing or cause, from participating in any James Brown Estate or Trust case even though she was illegally sued by the Estate, 2000 Trust and Attorney General ("AG") in 2010; had pending counterclaims for the destruction of her career and reputation in that pending suit; is an attorney with special expertise in the relationship of State Probate Law and the termination rights provisions of the Federal Copyright Act; has not been fully paid for her 2007 SA service to the Estate even though her claim was allowed and court approved; has not been paid a dime of her allowed, court-approved partial PR/Trustee commission due since May 26, 2009; and has worked *pro bono publico* since May 8, 2013 to enforce the "I Feel Good" Foundation and aid any heirs, devisees or beneficiaries seeking to uphold James Brown's noble plan to leave his \$100 million music empire to the "I Feel Good" Foundation to be used solely to provide millions (under IRS guidelines) of dollars of scholarship funds to needy students each year.

b. The June 13 Orders and subsequent orders, which are the subject of this appeal, which purport to prevent Robert Buchanan Jr. and Appellant Pope from restoring their good reputations the AG has acknowledged they had when he brought an illegal suit against them in 2010; prevent Buchanan from voiding a "settlement" where \$500,000 in "I Feel Good" Trust funds were used to secure release from Buchanan's counterclaims for Tommie Rae Hynie ("Tommie Rae"), her son, Bauknight and the AG's Legacy Trust.

c. The June 13 Orders and appealed orders, by which Buchanan and Appellant Pope continue to be aggrieved because the State/AG, through the law firm of Kenneth Wingate, Esquire, ("Wingate") is seeking to prolong by stay for what may be five years or more the false claims in the Wingate Suit which have destroyed their reputations and careers and have already resulted – through inappropriate State action – in their replacement without existence or showing of cause in the May 26, 2009 being converted into removal which alludes to the State/AG's false

allegation that they sought a \$2.1 commission and \$2.8 commission from a \$5 million estate and that the false allegation that there was something improper about the Christie's sale where the AG himself asked this Court to proceed with the sale; the sale was properly conducted; the sale was approved by three Court orders; but the AG/Wingate – two years later and in order to derail the *Wilson v. Dallas* appeal – made (and continues) the false allegation that there was something improper about the Christie's sale.

d. The June 13 Orders and the appealed orders, which allow the State/AG to continue to sue Buchanan and Pope in the Wingate Suit for tens of millions of dollars for not accepting a 2007 \$100 million dollar offer to buy Brown's music empire while telling the South Carolina Supreme Court that the music empire was worth less than \$4.7 million, and that there were no offers.

e. The June 13 Order and the appealed orders, which allow the State/AG, Bauknight – and now his appointee David Sojourner ("Sojourner") to make the false claim that Tommie Rae and her son are heirs of James Brown – when they are not – and that Appellant/heirs Michael, James Curtis, the DOE Defendants, and DNA-proven and Estate-acknowledged daughters Jeanette, LaRhonda, and Nicole are not.

f. The June 13 Orders and the appealed orders, which allow the AG to accuse Buchanan and Pope of a career-threatening felony based on a public appraisal which the AG has never seen; and the AG and Bauknight are concealing under FOIA.

g. The June 13 Orders and the appealed orders, which allow Bauknight, by false value claims, to reduce the amount of required scholarships for needy students from the "I Feel Good" Trust from over two million per year to less than \$100,000.

h. The June 13 Orders and appealed orders, which are allowing David Bell, Esquire ("Bell") and Tommie Rae – with the permission of Sojourner and Bauknight – to usurp the Federal Copyright Act termination rights agreement the Estate/2000 Trust should now have with Michael, LaRhonda, Jeanette, Lisa, Nicole, James Curtis (subject to DNA confirmation) and identified DOE Defendants which will protect the "I Feel Good" Foundation's copyrights to 800+ songs for decades.

i. The June 13 Orders and appealed orders, are allowing the Bauknight and Wingate to continue to wield the power and

authority of the State/AG through the Wingate Suit and the AG's Legacy Trust to bring about a second takeover of Brown's private property and the "I Feel Good" Trust which will take \$50 million from scholarships for needy students; destroy the property rights of all Appellants; and threaten private philanthropy and private property rights in the State of South Carolina.

j. As is shown at page 479 through 506 of the Appendix, the continuation today and possibly for years to come, of the illegal Richland County Case 2010-CP-40-4900 (the "Wingate Suit") which is an unconstitutional delegation of the State's power to a private law firm serving non-residents of South Carolina; has deprived all Appellants and Buchanan of the dignity and respect under the laws of South Carolina and the Constitutions of South Carolina and the U.S. which their civil status and/or service to Brown's estate plan and the "I Feel Good" Foundation demands; and of their property rights.

k. The June 13 Orders and appealed orders which purport to prevent Brown's heirs, devisees, creditors and others under Section 62-7-405, including Buchanan and Pope from enforcing the "I Feel Good" charitable foundation even though the AG has withdrawn his support; the Settlor is deceased and the claimed Trustee is irreconcilably conflicted by his service as a fiduciary and agent for Tommie Rae, an agent for her son (without GAL) in the Wingate Suit.

l. The June 13 Orders and appealed orders which prevent Buchanan and Pope from restoring their careers and reputations by refuting the State/AG's career-threatening false claim that the two committed the federal felony of intentionally overstating the value of James Brown's worldwide music empire by \$79 million (at about \$84 million) for the improper purpose of obtaining a \$2.1 million commission for Buchanan and a \$2.8 million commission for Pope for 4-6 years of service to Brown's.

m. The June 13 Orders and appealed orders which deny all Appellants the right to demonstrate that Bauknight's less-than \$4.7 million at-death value of James Brown's music empire was knowingly false and fabricated, and the AG's reliance on the fabricated value to attack Buchanan and Pope and seek their removal as fiduciaries without even looking at the false appraisal was reckless.

n. The June 13 Orders and appealed orders, which prevent Buchanan and Pope from demonstrating that AG McMaster should not have relied on the false claim made to him on May 19, 2010, as reported to the S. C. Supreme Court, that he would breach his

fiduciary duty as Attorney General if he did not sue Buchanan and Pope in the Wingate Suit for conducting the *Wilson v. Dallas* appeal.

o. The June 13 Orders and appealed orders which prevent all Appellants from demonstrating that the State/AG, Bauknight and Sojourner are seeking to benefit Tommie Rae and her son, damage Appellants; and damage the "I Feel Good" Foundation by trying to take away the acknowledged status of James Brown's real heirs who passed the Estate's official Peoples DNA Protocol, even though Appellants and Brown's DNA-proven daughters provide the "I Feel Good" Foundation with the ability to obtain for about \$100,000 per year what AG McMaster proposed to secure by giving Tommie Rae and the Levenson clients more than \$50 million of the "I Feel Good" Foundation – cooperation in the Estate/"I Feel Good" Trust's was fabricated

p. The June 13 and appealed orders which help reinstate the AG's 2008 settlement and takeover of Brown's private property and private foundation and the unnecessary payment from the \$50 million taken from the "I Feel Good" Trust of more than \$20 million that should be used for scholarships for needy students to Levenson, Bell, and counsel for Tommie Rae, even though the claims of their clients were without merit.

q. The June 13 Orders and appealed orders purport to prevent Buchanan, Pope and Appellant from exercising their rights under the South Carolina Freedom of Information Act ("FOIA"), where the State/AG has blocked FOIA compliance since 2011; supported the intervention by Bauknight as agent for Tommie Rae in FOIA suits; and attempted to transfer all FOIA cases seeking James Brown documents to Richland County and consolidate them with the illegal Wingate Tort Suit to prevent release of public documents under FOIA.

r. The June 13 Orders and appealed orders have allowed Tommie Rae, Bauknight and Louis Levenson, Esquire ("Levenson") to proceed unimpeded – and aided by Sojourner and Bauknight – with their announced intention to reinstate the State takeover of James Brown's private property by the AG and the placing of Brown's property under the control of the State; followed by the claim – being made today in FOIA Suits – that the property taken over by two AG s and 9 or more taxpayer-paid attorneys is private and not subject to FOIA.

s. The June 13 Orders and appealed orders continue to condone the State/AG's and Russell Bauknight's mishandling of the criminal proceeding of felon David Cannon where the \$5 million Cannon

took in 1999 was never part of the \$12 million indictment; no restitution was sought from Cannon; funds Brown gave the "I Feel Good" Trust were used for Levenson to visit Cannon's \$1 million retirement home on Roatan Island in the Caribbean; Cannon was induced NOT to support the 2000 estate plan and backup 1999 Will, but to support the AG/State's rewriting of Brown's estate plan and takeover of Brown's private property; and – while under indictment – Cannon was named as the State/AG's witness against Buchanan and Pope in the Wingate Suit brought to stop the *Wilson v. Dallas* appeal.

t. The June 13 and appealed orders allow the State/AG to sue South Carolina citizens for tens of millions of dollars for the benefit of the AG's Legacy Trust created with assets taken from a South Carolina citizen's estate; treat non-heirs the AG favors as heirs to the detriment of real heirs; direct no DNA testing of non-presumed heirs; destroy the reputations and careers of properly-serving fiduciaries by false felony claims based on a false appraisal the AG has not even seen; insure the removal of the proper fiduciaries by the Supreme Court by a fabricated lawsuit; knowing false and unsupported claims that an \$80+ million foundation is worth less than \$3 million; condone false representations by his appointed trustee to the IRS about the properly-serving fiduciaries; condone false statements to the Supreme Court about the value of the asset, the heirs and the Federal Copyright Act termination rights provisions and false claims about the alleged impropriety and claimed greed of the properly-serving fiduciaries; then claim that the illegal suit the State/AG has conducted for three years against the two people who dared to put the Supreme Court in a position to prevent the State takeover of Brown's private property was not properly authorized and the State/AG, but allow Wingate and Bauknight to continue the suit for years under the name of the State/AG.

u. The June 13 and appealed orders are allowing the State/AG, through agent Bauknight, to continue to extend for years his 4-year destruction of the careers of Buchanan and Pope by seeking a stay in the Wingate Suit in Richland County until all matters are concluded in Aiken County while – at the same time – telling the Aiken Court that Buchanan and Pope cannot be paid until the Wingate Suit in Richland County is concluded. [See App., p. 479 - 506]

v. The June 13 and appealed orders allow the State/AG to continue its 3-year denial of FOIA rights to all citizens wanting to know what went wrong with the Attorney General's oversight of James Brown's "I Feel Good" Trust by denying James Brown FOIA requests then, when FOIA suits are filed, allowing Bauknight to intervene and

attempting to consolidate them with the Wingate Tort Suit.

3. The Court overlooked or misapprehended that Appellant Pope is aggrieved by the Dismissal Order which improperly prevents Appellant Pope from serving as an attorney in the James Brown cases; protecting herself in the Wingate Suit from false felony claims lodged by the State/Attorney General and other State actors; deprives her without Due Process of the right to represent Michael and the other Appellants as *pro bono publico* guardian *ad litem* ("GAL"); and prevents her from protecting herself against the false claim that Tommie Rae Hynie was Brown's spouse and Tommie Rae's son was Brown's son, even though he is not presumed to be a son and has refused official DNA testing.

4. The Court overlooked or misapprehended that the Dismissal Order, like the June 13 Orders and appealed orders, allows the circuit court to refuse a hearing on the appointment of a GAL to protect the interest of Appellants Michael, James Curtis and the DOE Defendants, which has deprived them of their property right to prove that Tommie Rae is now Brown's spouse; and to be represented *pro bono publico* by a GAL or attorney who has expertise in the relationship between the Federal Copyright Act termination rights provisions and State Probate Law, and who is willing to serve them *pro bono publico*;

5. The Court overlooked or misapprehended that the Dismissal Order:

a. Deprives Appellants and all others under South Carolina Trust Code Section 62-7-405 of the right to protect the "I Feel Good" Foundation as embodied in the 2000 estate plan and 1999 backup Will, which set out James Brown's often-stated and well-known desire to leave his entire \$100 million music empire to the "I Feel Good" Foundation, as set out in

four valid documents executed over two years and a voice tape of James Brown.

b. Continues the unconstitutional and fundamentally unfair State action of declaring Tommie Rae Hynie the spouse of James Brown and her son a child of James Brown where Tommie Rae was not the spouse and her son – a non-presumed heir – has refused DNA testing under the Estate's official Peoples DNA Testing Protocol is is presumed NOT to be a child or heir under the Federal Copyright Act.

c. Results in the flagrant violation of both the letter and spirit of the Supreme Court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.C. 2d 746 (2013) which voided the proposed dismembering of the "I Feel Good" Foundation in favor of Tommie Rae and others.

d. Prevent Appellants from filing motions to become parties; protest the failure of service on them; participate in the proper election of a fiduciary as directed by *Wilson v. Dallas*, and by which the circuit court and clerk have violated their constitutional right of access to the courts by removing and cancelling their unheard motions from the public records; voiding same; and returning them as if unfiled. [See Appendix, p. 501-506].

e. Allows Sojourner, claiming authority under an ex parte SA order and an unconstitutional ST appointment of the probate court and circuit courts respectively, to favor Tommie Rae and her son and prevent them from protecting their property rights under the Federal Copyright Act to show that Tommie Rae was not Brown's spouse, and reach fair termination rights with the Estate/"I Feel Good" Trust that will provide each of them \$20,000 or more each year for life; provide their children the same or a greater benefit under the Copyright Act after their deaths, even though all were intentionally excluded by Brown from his two valid estate plans; and provide them the satisfaction of being identified as Brown's real heirs under the March 15, 2008 Order of Judge Early in the Levenson Will/Trust contest which – until the June 13 Orders – was Case 2008-CP-02-0872 ("Case 872").

f. Makes it appear, by improper action of Sojourner, that Tommie Rae and James B. timely and/or appropriately filed their Elective Share, Omitted Spouse and Omitted child claims, when neither filed an appropriate claim; both filed the claims in the wrong court; neither attached the required Summons to the Petition; neither named the known heirs, as required by the South Carolina Probate Code ("SCPC"); neither served any heir or devisee, including Appellants; and such petitions should be summarily dismissed as defective both procedurally and factually.

g. Deprives Appellants of their right to demonstrate to the Courts that Tommie Rae is entitled to nothing under the estate or the Copyright Act because she is not Brown's spouse; is not a heir of James Brown either under State Law or the Federal Copyright Act; and even if the spouse has waived all right under the Copyright Act; and even if such waiver were declared invalid, is entitled to no more than 1/3 of \$4.7 Million LESS expenses of administration, value she placed on Brown's music empire in filings with the S.C. Supreme Court.

h. Deprive Appellants of their right to contract with a fiduciary who is NOT serving Tommie Rae; who is protecting the Estate/"I Feel Good" Trust and who will make fair termination rights deals with the HALF (or half + 1) of Brown's real heirs who are NOT challenging Brown's noble plan to leave his entire music empire to the "I Feel Good" Trust.

i. Deprives them of the right to support the estate plan and "I Feel Good" Trust under both the 2000 estate plan and 1999 Will which makes the estate plan ironclad and which Sojourner has placed in jeopardy under the 10-year rule of the SCPC.

3. The Court overlooked or misapprehended that Bell has not; cannot; and will not protect the rights of Michael, who is incarcerated in California; is entitled to a GAL under Rule 17 (c) SCRCP; who has called Pope unsolicited to express his appreciation for Pope's actions; whose former attorney in California (who protected his rights as a minor child of James Brown) asked Appellant Pope to contact Michael to serve as Michael's attorney, but Pope declined – instead notifying the circuit court of the contacts and applying to serve as *pro bono publico* GAL under Rule 17 (c).

4. The Court overlooked or misapprehended that Bell has made numerous material and false filings with State and Federal Court and Grievance Boards since 2007 to obtain the assets of the "I Feel Good" Trust for Forlando and Terry Brown while claiming to support the noble estate plan of James Brown; is not protecting the interest of Michael in the pending proceedings; and is actively attempting – and being allowed by Sojourner – to siphon off the Estate/"I Feel Good" Trust's rights to properly

recognize Michael and reach a fair termination rights agreement with Michael – and his son after his death.

5. The Court overlooked or misapprehended that Bell, a Georgia attorney, is presently working to secure for Forlando/Terry the James Brown assets in at least 10 James Brown cases; is actively engaged in the practice of law in South Carolina; and has repeatedly violated the *pro hac vice* requirements of the South Carolina Supreme Court since 2007.

6. The Court overlooked that a GAL for Michael would be necessary even if Bell were Michael's attorney because to adequately protect Michael's interest, and that of his son, to be part of both the State and Federal Copyright Act baseline heirs of James Brown; to confirm Brown had no spouse; and to allow only those non-presumed children who agree to take, and pass, the Peeples DNA protocol to be considered heirs, he must be actively represented involved in at least seven James Brown South Carolina cases by someone who represent his interest and is not – like Bell – aligned with Tommie Rae and her son in the Wingate Suit. [See Wingate Litigation Retention Agreement signed by Bell to stop the *Wilson v. Dallas* appeal which restored Michael's rights. The Wingate Suit is still pending, and Bell is still partnered with Tommie Rae. See App. p. App., pp. 422-440.]

7. The Court overlooked or misapprehended that Bell is currently protecting the interest of Terry and Forlando Brown in more than 10 James Brown cases, most in violation of *pro hac vice* rules, but has not moved to make Michael a party the Tommie Rae and James B. Cases, confirming that his claim is to suppress Michael's rights – not protect them – defeating Michael's right to protect himself and his son against Tommie

Rae under State law, which is necessary to secure his position under the Federal Copyright Act.

8. The Court overlooked or misapprehended that Bell's improper acts and fraud on the courts since 2007 include, but are not limited to:

a. In September 2007, filing a known false stipulation for Forlando and Terry that Brown's wholly-owned company JBE, Inc., was NOT in Brown's 2000 Trust when both Bell and Forlando had actual knowledge from the trustees who established the 2000 Trust with Brown that JBE, Inc. was in the Trust.

b. On January 2, 2008, attaching a known fabricated second Schedule B to the 2000 Trust, created by Dallas and Cannon after Brown's death, to the claimed copy of the 2000 Trust filed in the the Forlando Federal Suit, to make it appear that Brown's Publicity Rights – about half of the \$100 million music empire –had been transferred to the 2000 Trust before Brown died. [They had not.]

c. In 2008 blaming his false 2007 stipulation on Buchanan and Pope, even though there was no basis to do so.

d. In early 2008 claiming to the Federal Court that Forlando was an impoverished student desiring to carry out the noble estate plan of his grandfather James Brown when Forlando was actually seeking to dismember the "I Feel Good" Trust and – with no monetary contribution – had been given a 39% ownership in TJBL, the entity seeking to acquire the "I Feel Good" Trust assets.

e. In 2008 filing two false affidavits with the federal court that were material in preventing Forlando's fabricated claims from being dismissed in 2008 and allowing the attempt by Bell and Forlando to enjoin the 2000 Trust until felon David Cannon and Albert Dallas were reinstated to threaten the 2000 Trust until they were dismissed in 2012 . Bell did so with knowledge that a federal injunction would have derailed the *Wilson v. Dallas* appeal.

f. In 2008, to achieve a civil result in the James Brown cases, Filing six false grievances against Levenson in two states, including claiming falsely that Levenson forged a signature on the 30% contract Forlando, Terry and brother Romunzo had reached with Levenson in January 2007 to help them dismember the "I Feel Good" Trust.

g. In 2009, after Terry joined the AG's 2008 settlement and acquired a right of first refusal to buy the music empire (the "ROFR"), threatening a judicial grievance against Mr. Buchanan if he did not immediately resign as PR/Trustee and abandon support of Brown's estate plan.[Buchanan is a federal magistrate. He reported the matter both to Judge Early and to the appropriate Federal body.]

h. Secretly signing the Wingate Litigation Retention Agreement on May 19, 2011, to try to derail the *Wilson v. Dallas* appeal (and Michael's rights) when he had knowledge Wingate was not authorized to file suit on behalf of the State/Attorney General and Bauknight had no authority to speak for the State.

i. Making the known false claim to the Supreme Court that Tommie Rae and her son controlled the termination right to Brown's 800+ songs when he knew from *Private Foundations* and his own investigation that the claim was false.

j. Making the knowing false claim to the S. C. Supreme Court in 2011 for Terry that Brown's music empire was worth less than \$4.7 million when Brown died, when he had actual knowledge that counsel for Oprah Winfrey was discussing a possible payment of \$200 million for Brown's music empire as he was making the false representation.

k. Making the known false claim to the S.C. Supreme Court that Tommie Rae was Brown's spouse and that she and her son controlled the Federal Copyright Act termination rights when he had actual knowledge that she was not the wife; had begged Brown to marry her after he discovered she was married when they had a 2001 ceremony; and that she and Brown were actually separated for the last time months before his death.

l. Making the false claim to the S. C. Supreme Court in 2011 that there was never an offer to buy Brown's music empire when his client Terry had participated in THREE \$90 million – \$100 million offers as part of TJBL in late 2007 and early 2008; where his client Orlando had testified under oath that \$150 million offers were available in late 2008; and while he was involved with an inquiry by Oprah Winfrey's counsel that did not proceed only because Bauknight – having told the IRS and the Supreme Court that the music empire was worth \$4.7 million – was unwilling to proceed with the sale.

m. Authorizing the law firm of Kenneth Wingate, Esquire ("Wingate") to sue Buchanan and Pope for conducting the *Wilson v. Dallas* appeal which restored Michael's rights as an heir, and to make the false claim that there were problems with the Christie's sale when he had actual

knowledge the Christie's claim was false; Forlando had reasonable opportunities to withdraw any item – including the Grammy – from the sale, but did not do so; and Forlando had testified under oath that the family, although feuding over other issues, got together to sabotage the Christie's sale and did not even buy items they later decided they wanted, although they had funds to do so.

n. Authorizing Wingate to make the false claim that there were problems with the Christie's sale for the sole purpose of discrediting Buchanan and Pope when he had actual knowledge that the Christie's sale was authorized by three unappealed Court Orders, including one of this Court.

o. Authorizing Wingate to sue in the name of the State/AG and Bauknight to claim the mighty power of the State as the AG's agent, when Bell had actual knowledge that the Wingate Suit was not authorized, and that the private Wingate firm could not legally sue Buchanan and Pope as the State's sole attorney while also representing Tommie Rae, her son and other non-residents.

p. Colluding with Bauknight in 2011 to conceal from State and Federal Courts, and from release under FOIA, the amendment of the Legacy Trust by AG McMaster in early 2011 and transfer from Terry to Forlando of the ROFR", which Forlando knew to be worth more than \$100 million, but which Bell's client Terry was telling the S.C. Supreme Court was worth less than \$4.7 million.

q. Colluding with Bauknight and Sojourner after the *Wilson v. Dallas* decision to prevent the protection of the 2000 Trust and 1999 backup Will, and to siphon off termination rights agreement which should belong to Michael, the DNA-proven daughters, and the Estate/"I Feel Good" Trust.

9. The Court overlooked or misapprehended that the appeal involves both the specifically designated orders and:

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, which are the subject of an appeal pending in the South Carolina Court of Appeals, affecting Appellants.

10. The Court overlooked that the circuit court violated the property rights of all

Appellants and damaged the "I Feel Good" Foundation by its disregard for the remand mandate of *Wilson v. Dallas*.

11. The Court overlooked or misapprehended that on May 8, 2013 the S.C. Supreme Court issued its final *Wilson v. Dallas* decision. The decision:

- a. Voided Bauknight's fiduciary appointments under the Will and Trust;
- b. Remanded the matter for the appointment of fiduciaries in accordance with Brown's documents, and for review of attorneys' fees and other costs in relation to the matter.

12. The Court overlooked or misapprehended that the final *Wilson v. Dallas* decision deleted a footnote in the February 27, 2013 decision which related to:

a. The Wingate Suit where Buchanan and Pope were sued by the AG, Tommie Rae, Bauknight as agent for both, and the AG's Legacy Trust on May 19, 2010, for tens of millions of dollars. The claimed wrongdoing, included:

- (1) conducting the *Wilson v. Dallas* appeal;
- (2) claimed problems with the 2008 Christie's sale which the AG had asked this Court to approve;
- (3) failure to accept a 2007 \$100 million offer for Brown's assets.

b. A FOIA Suit filed by Appellant Pope in 2011 to obtain:

- (1) A copy of the AG's Legacy Trust, which had sued Buchanan and Pope, with amendments;
- (2) A copy of the \$4.7 million at-death valuation of Brown's music empire on which AG Wilson was basing the false claim that Buchanan and Pope had committed a federal felony ("FOIA #1")
- (3) Which Suit had been transferred to Richland County at the request of the AG and in which Bauknight, for Tommie Rae and James B., is seeking to intervene and stop FOIA compliance.

c. A second FOIA Suit ("FOIA #2") filed in August 2011 in which the AG

and Bauknight:

(1) Were successful in having FOIA #2 moved from Newberry County to Richland and consolidated with the Wingate Suit;

(2) Appellant has sought since 2011 the public Wingate Litigation Retention Agreement used to sue Buchanan and Pope in 2010.

13. The Court overlooked or misapprehended that on May 10, 2013 the AG's and Tommie Rae's attorney of record , in a suit also secretly brought by Bell, Wingate, told the Honorable L. Casey Manning, Jr., Presiding Judge in the Wingate Suit:

...the new Supreme Court opinion upholds the for-cause removal of ...Pope as a fiduciary of the James Brown Estate. In upholding her for-cause removal the court relies on some of the very same allegations made by the Case 4900 Plaintiffs against Mrs. Pope...Because of her for-cause removal, she can have no further part in the Estate and Trust.

AND

... [T]he Supreme Court, in substituting the new opinion has completely eliminated Footnote 29 of the prior opinion. Footnote 29, while only dicta in the now replaced opinion, addressed, among other items, the FOIA matters and called for them to be heard "in the first instance" without any clear definition of what that meant. Such language is totally absent from the new order. While the court does recognize that the Attorney General is contesting releasing some documents pursuant to FOIA, the court no longer puts any primacy or priority on any court hearing these matters... the claim of privilege must be decided before any court can make a determination of the application of any FOIA claim.

...Therefore, Case 4900 Plaintiffs and Proposed FOIA Intervenor respectfully request that Case 4900 be held in abeyance in its entirety until all the underlying issues related to the Plaintiffs are resolved by the Aiken Court. [Emphasis supplied.]

14. The Court overlooked or misapprehended that before a May 29, 2013 status conference, at which no testimony was allowed and of which no record was

made, the circuit court directed that anyone with ideas about the post-*Wilson v. Dallas* conduct of the James Brown cases was required to file a formal motion by May 26, 2013.

15. The Court overlooked or misapprehended that Appellant Pope was the only person to file such a motion. She filed three reasonable motions dealing with several of the Aiken James Brown cases, including Dallas' \$6 million commission claim suit; and the appointment of a special administrator/special trustee ("SA/ST") to protect the Will and 2000 Trust where Bauknight was aligned with Hynie. The motions addressed the issue of Bauknight being an agent for Tommie Rae in the Wingate and FOIA Suits.

16. The Court overlooked or misapprehended that Appellant Pope contacted Bell, Dallas and others to garner support for the estate plan, and the 1999 backup Will, which is in jeopardy under the 10-year rule, and which only Buchanan and Pope have protected and sought admission to probate in the unlikely event that the 2000 estate plan is set aside.

17. The Court overlooked or misapprehended that these persons could not or would not protect the 1999 Will, which – along with James Brown's own voice tape – made estate plan establishing the "I Feel Good" Trust ironclad. Cannon's counsel supported Pope's action, but said Cannon was unable to help.

18. The Court overlooked or misapprehended that Appellant Pope called to the attention of the Court that Tommie Rae and all former challengers of the Will/2000 Trust had admitted in writing in the Wingate Suit:

... the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. **This objective as the often stated and well-known desire**

of James Brown. [Emphasis supplied.]

19. The Court overlooked or misapprehended that on May 29 counsel for Tommie Rae and Louis Levenson, Esq. ("Levenson"), asked the Honorable Doyet A. Early, III to go *in camera* and reinstate the AG's 2008 settlement which the Supreme Court had just declared void., and which dismembered the "I Feel Good" Trust.

20. The Court overlooked or misapprehended that the claim that giving \$50 million of the "I Feel Good" Trust to the Levenson clients, clients of David Bell, Esq. ("Bell") and Tommie Rae was good for the "I Feel Good" Trust was wholly without merit, and based on the following material claims:

- a. That Brown's music empire was worth less than \$4.7 million.
[It was conservatively valued at about \$84 million at Brown's death.]
- b. The Tommie Rae was Brown's spouse. [She was not.]
- c. That Tommie Rae and her son controlled the Federal Copyright Act termination rights to Brown's 800+ songs. [This was false.]
- d. That nothing would be in the "I Feel Good" Trust in 2023 if the AG's 2008 settlement were not approved. [This is false.]
- e. That Michael, Jeanette, La Rhonda, Nicole, Lisa, James Curtis are not heirs and have no claim to the termination rights.
[This is false.]
- f. That the \$3+ million annual royalty stream could not be secured for decades, as all fiduciaries prior to Bauknight had shown, by confirming that Brown died without a spouse and reaching Federal Copyright Act termination rights agreements with the most cooperation HALF (or half + 1) of Brown's children NOT challenging the "I Feel Good" Trust.

21. The Court overlooked or misapprehended that the "I Feel Good" Trust's Royalty stream was being protected when the AG's settlement which *Wilson v. Dallas*

declared void was reached by:

- a. Confirming that Tommie Rae was not Brown's spouse, and had waived all State and Federal rights prior to her void ceremony.
- b. Confirming that the claims of Tommie Rae and James B. were without merit and filed in the wrong court;
- c. Completing the official Peebles DNA Protocol under Order of the Honorable Doyet A. Early, III in Case 2008-CP-02-0122 (the "Levenson suit") to increase the heirs-at-death baseline to protect the "I Feel Good" Trust's copyright with agreements with the most cooperative HALF (or half + 1) of Brown's children.
- d. Continuing the same program with grandchildren after the death of Brown's children.
- e. Reaching termination rights agreements for as little as \$100,000 per year for all 5 or 6 of Michael, La Rhonda, Jeanette, Lisa, Nicole and/or others not challenging the estate plan.

22. The Court overlooked or misapprehended that when the AG's now-void settlement was reached Brown's plan to leave his entire music empire to the "I Feel Good" Foundation was being shown to be ironclad in the Levenson Suit by:

- a. Admissions by the contestants of the validity of the estate plan;
- b. Tommie Rae's and Venisha's being present and witnessing the Will and 2000 Trust;
- c. The counterclaim for alternate probate of the 1999 backup will, which also leaves the music empire to the "I Feel Good" Trust.
- d. James Brown's own voice tape.

23. The Court overlooked or misapprehended that on May 29, based on a pre-remittitur *ex parte* special administrator("SA") appointment obtained by Bauknight served a notice of disallowance with impending bar (the "Disallowance") purporting to disallow all of the following:

1. Pope's unpaid 2007 SA fees of about \$47,000, with legal interest.
2. Pope's unpaid, allowed, and court-approved payment for PR/Trustee commissions from 11/20/08 - 5/26/09 , about \$1.4 million plus interest:
3. Legal Fees incurred in defense of the Estate Plan, including 7 days of hearings and a 4-year appeal (Hayes & Bailey) of about \$ 200,000.
4. Buchanan's right to recover if the claimed "settlement" in the Winagate Suit is declared void.
5. Buchanan's and Pope's right to attorneys' fees for the 4-year defense against a frivolous lawsuit brought by Bell on January 2, 2008, Case 3:08-cv- 00014-WOB. to enjoin the 2000 Trust from taking any action until David Cannon and his co-trustee Albert "Buddy" Dallas were reinstated.
6. Attorneys' fees from the Estate and/or Bauknight for his interference since 2011 in FOIA #1, FOIA #2.

24. The Court overlooked or misapprehended that a motion to void the Wingate Suit "settlement" as against public policy is pending because "I Feel Good" funds paid for releases for Tommie Rae, her son, and others.

25. The Court overlooked or misapprehended that the Disallowance referenced the false felony claim that Buchanan and Pope: that they had improperly valued the assets on the estate tax return without basis.

26. The Court overlooked or misapprehended that Bauknight had actual knowledge the claim was false and the \$4.7 million claim which was outrageous because:

- a. A 2006 Professional Appraisal by the Royal Bank of Scotland ("RBS") had valued the Royalties – about half of the value of the music empire – at \$42 million.
- b. TJBL had made three offers of \$90 million - \$100 million for the music empire in late 2007 and early 2008.
- c. Buchanan and Pope, while still SAs , and prior to their

PR/Trustee appointment, had moved Judge Early to value the music empire for the estate tax return based on the following formula consistent with their \$84 million value placed under oath on the estate tax return:
Music empire = $12 \frac{1}{2} - 14 \times (\text{annual Royalties} + \frac{1}{2} \text{ road revenues})$
LESS TIAA Debt.

d. The annual Royalties had been about \$3 million per year for decades, and road revenues for 2003 - 2006 were \$18 million.

e. Counsel for Oprah Winfrey has express interest at \$200 million, but Bauknight refused to proceed.

27. The Court overlooked or misapprehended that the Disallowance forced Appellant Pope to file suit within 30 days or face not being paid for her SA work in 2007; her PR/Trustee work between November 2007 and May 2008; also Buchanan, Tressa Hayes, Esq., and James Bailey, Esquire, not being properly paid.

28. The Court overlooked or misapprehended that Bauknight served the Disallowance to avoid review under the *Wilson v. Dallas* remand of:

- a. A 2010 40% contingency fee contract with the Wingate Firm which Bauknight and the AG had kept secret in two FOIA suits since August 2011.
- b. A \$563,000 2012 payment to Wingate, in addition to the 40% contingency
- c. \$25,000 to Philpott Ball to produce a claimed \$4.7 million "appraisal" of Brown's music empire at death which reduces the "I Feel Good" Trust from about \$80 million to about \$2 million and purports to reduce the annual required payout to provide scholarships for needy students from several million per year less than \$100,000.
- d. Undisclosed amounts proposed to be paid to Bauknight himself; his counsel; counsel for Tommie Rae; counsel and a GAL for James B.

29. The Court overlooked or misapprehended that by the end of 2013 Bauknight

would make the following additional payments, which have not been scrutinized:

A. \$770,000 + to Nexsen Pruet

B. \$250,000+ to the law firm of Sojourner.

30. The Court overlooked or misapprehended that on June 10 Appellant Pope filed suit to void the Disallowance; void Bauknight's pre-remittitur appointment; and/or remove him for cause based on his continued service to Tommie Rae and James B., and other actions during the *Wilson v. Dallas* appeal.

31. The Court overlooked or misapprehended that The June 10 complaint was accompanied by a request for hearing which the SCPC requires and the circuit court declined to set.

32. The Court overlooked or misapprehended that on June 13, 2013, without notice to any of Appellants and without hearing the circuit court issued the June 13 Orders were issued. The June 13 Orders enjoined Appellant Pope, with others, from participating in the appointment process; the remand fee and commission review; and other critical matters affecting their property rights and financial interests

33. The Court overlooked or misapprehended that the June 13 Orders continue the State's favoritism of Tommie Rae and her son which began in August 2008 and as a result of which all Appellants suffer similar damage, namely:

1. The injunction against Appellant Pope which has been carried out by the circuit court's refusal to conduct a hearing on her request to serve as GAL for Michael,

2. The refusal to appoint a GAL or allow James Curtis to be tested is allowing Tommie Rae and Bell, aided by Bauknight and Sojourner, to siphon off contracts which the HALF of Brown's children NOT challenging the estate plan should now be making with the Estate/2000 Trust for the benefit

of Bell/Terry, Tommie Rae, and others who continue baseless challenges to Brown's estate plan.

3. The refusal of the circuit court to conduct a hearing on voiding the unconstitutional gag orders damages the property rights of all Appellants.

4. The refusal of the circuit court to accept motions filed by non-parties, the circuit court's allowing Bauknight and Sojourner to proceed with heirs determination which actually undoes the Estate's official recognition of heirs.

5. The State's continued favoritism to Tommie Rae and James B. through Bauknight, Sojourner and the orders is improper and violates Due Process and Equal Protection rights.

34. The Court overlooked or misapprehended that The circuit court, for almost a year since *Wilson v. Dallas*, has refused to conduct a hearing on the 2012 motion to declare the Gag Orders void or expired.

35. The Court overlooked or misapprehended that The 2008 Gag Orders are clearly an unconstitutional prior restraint in violation of the First Amendment Rights of all Appellants, and threaten damage to them and to the "I Feel Good" Trust.

36. The Court overlooked or misapprehended that The Gag Orders prevent more than a dozen people who have confirmed that Tommie Rae was not Brown's spouse from speaking of the widely known contents of her own discarded writing which Tommie Rae's own lawyer admits does irreparable harm to her claim.

37. The Court overlooked or misapprehended that on or about June 24 the Clerk refused to file Appellant's Pope's motion to alter or amend the June 13 Orders, and the Clerk has since unfiled Appellants' motion to intervene and returned it.

38. The Court overlooked or misapprehended that on July 2, 2013 a status

conference was held on some James Brown cases, with no notice to heirs.

39. The Court overlooked or misapprehended that on or about July 26, 2013 both Buchanan and Pope (reserving objections) filed information about their service and fees and required by the June 13 Orders.

40. The Court overlooked or misapprehended that Bauknight did not disclose any of the payments set out above before his appointment on October 1, and the circuit court praised him and his counsel without inquiring.

41. The Court overlooked or misapprehended that Buchanan described how Bauknight's withholding of any of the \$500,300, with interest at the legal rate, from 2009 had placed Buchanan in desperate financial condition.

42. The Court overlooked or misapprehended that although Pope has worked *pro bono publico* since May 8, 2013, she is entitled to reasonable pay for her SA and PR/Trustee service under the January 8 Order, with interest as stated in the Order.

43. The Court overlooked or misapprehended that Appellant Pope suffered the same or greater financial damage to her career as Buchanan. The false felony claim by the Attorney General and Bauknight as his claimed agent have rendered her unable to serve as a consultant and/or expert.

44. The Court overlooked or misapprehended that On July 2, 2013, and since, Appellant Pope renewed her request for a hearing which the circuit court had declined to hold on the so-called Hynie "diary" Gag Orders issued in 2008.

45. The Court overlooked or misapprehended that on July 8, 2013 Bauknight delivered *ex parte* to the circuit court what he describes as an ethics opinion of Prof. Nathan Crystal showing he has no conflict, but the circuit court declines to release it.

46. The Court overlooked or misapprehended that on July 9, 2013 the circuit court heard, and orally denied, the Motion for reconsideration of the June 13 Orders.

47. The Court overlooked or misapprehended that on July 10, the circuit court issued a form 4 denial of the June 13 Orders.

48. The Court overlooked or misapprehended that in July and August Bauknight attempted to evade a deposition in the Forlando Federal Suit claiming he knew nothing about the counterclaims in the suit in which the 2000 Trust had been a party since 2008.

49. The Court overlooked or misapprehended that Bauknight concealed both from the federal court and in two FOIA suits that in January 2011 the AG's Legacy Trust had been amended to allow Terry to begin due diligence on seeking a purchaser.

50. The Court overlooked or misapprehended that in his August 20, 2013 deposition Bauknight claimed that Buchanan's and Appellant Pope's action in conducting the *Wilson v. Dallas* had not been helpful. He said:

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.

51. The Court overlooked or misapprehended that at the same deposition Bauknight claimed his \$4.7 million "appraisal" was confidential, as was the Wingate Litigation Retention Agreement.

52. The Court overlooked or misapprehended that of Sojourner, Bauknight said:

...I made it clear to Dave Sojourner that I would be part of the process. That I would assist him in every way I possibly could. I fully believe I am the right person to do that job. And I will oversee every action he takes....

53. The Court overlooked or misapprehended that on September 23, 2013 Bell's client Terry contacted Warner/Chappell through copyright attorney Marc Toberoff to say that he – with others, excluding Michael – would shortly be exercising termination rights under 17 U.S.C. 304.

54. The Court overlooked or misapprehended that Terry and all acknowledged children have confirmed that Tommie Rae is not Brown's spouse, but Bell has not dropped his alliance with her in the Wingate Suit, to Michael's extreme detriment.

55. The Court overlooked or misapprehended that because of Tommie Rae's relatively young age, declaring that she is Brown's spouse when she was not – as the AG attempted to do in the now-void 2008 settlement – will damage the rights of Michael, James Curtis and the DOE Defendants, and their children, under the Federal Copyright Act for decades.

56. The Court overlooked or misapprehended that Michael, who is

incarcerated in California, has a right under Rule 17 (c) SCACR to an unconflicted GAL to represent his interest in this complex matter; Appellant Pope has agreed to do so *pro bono publico*; and Appellant has expertise in the area and a deep knowledge of the James Brown probate issues.

57. The Court overlooked or misapprehended that in October 2013 the court in the Forlando Federal Suit released the Wingate Litigation Agreement, revealing that Bell had secretly been part of a suit to try to stop appeal of a settlement which dismembered the 2000 Trust and Michael's rights in State Court while he told the federal court he supported the estate plan.

58. The Court overlooked or misapprehended that since 2007 Bell has committed numerous improper acts, all intended to damage Buchanan and Appellants, including Michael.

59. The Court overlooked or misapprehended that at the September 4, 2013 hearing no questions were allowed to be asked, or asked by the Court, of either Sojourner or Bauknight about:

- a. Bauknight's continuing service as a fiduciary to Tommie Rae and James B., which is directly adverse to all Appellants;
- b. Bauknight's control over Sojourner as expressed by Bauknight in August.
- c. Sojourner's knowledge of the March 15, 2008 Order which directed a proper heirs determination.
- d. Sojourner's knowledge of the importance of a proper heirs determination to identify the most-cooperative and least expensive HALF of Brown's heirs who are not challenging the estate plan to reach termination rights agreements with under the Federal Copyright Act.

e. Bauknight's 40% contingency fee and \$563,000 payment to Wingate to continue to try to destroy the "I Feel Good" Foundation.

f. The false felony claim lodged by Bauknight against Buchanan and Pope under color of State authority, and by the Attorney General relying on Bauknight's claimed \$4.7 million value without seeing it.

g. Bauknight's refusal to release the Wingate Litigation Agreement;

h. Bauknight's refusal to release the fee agreements of lawyers wanting more than \$20 million from the 2008 settlement;

60. The Court overlooked or misapprehended that all Appellants were aggrieved and their property rights damaged by the failure of service of the Bauknight/Sojourner petitions on them and being enjoined the September 4 hearing.

61. The Court overlooked that but for the unconstitutional June 13, 2014 orders; the subsequent rejection by the Clerk of filings by and on behalf of Appellants; and other State action, all Appellants would now be parties to all cases where Tommie Rae, James B., or any other person might be declared an heir of James Brown.

62. The Court overlooked or misapprehended that for all of the reasons stated in the Petition for Certiorari and Accompanying Appendix, of which the Court is asked to take judicial notice under 201(d) SCRE, and which is found as S.C. Supreme Court Appellate Case No. 2014-001279, the Bauknight/Sojourner appointment Order of October 1, 2010, violated both the mandate of *Wilson v. Dallas* and their Due Process and Equal Protection rights.

63. The Court overlooked or misapprehended that the *ex parte* SA appointment order secured by Sojourner from the probate court further violated *Wilson v. Dallas*, their Due Process rights and their Equal Protection rights.

64. The Court overlooked or misapprehended that for all of the reasons stated

in filings in Appellate Case No. 2013-001649, for which judicial notice under Rule 201(d) SCRE is requested, the June 13 Orders violated the Due Process, Equal Protection and First Amendment rights of all Appellants, and the orders on appeal in this case continue to violate:

- a. The right of the incarcerated Michael to be represented by an unconflicted and competent GAL, serving *pro bono publico*;
- b. The right of James Curtis and other DOE Defendants to protect their Federal Copyright Act termination rights against Bauknight, Tommie Rae and Sojourner;
- c. The right of Appellant Pope, a creditor, and other creditors who support the "I Feel Good" Trust to do so in light of the conflicts of Bauknight and Sojourner and the withdrawal of the AG.
- d. The right of Appellant Pope and Buchanan to protect themselves from false claims and to be properly paid.
- e. The right of Buchanan and Pope to protect themselves and each other against false felony claims based on a secret, fabricated \$4.7 million "appraisal" of the music empire.
- f. The right of Appellant, Buchanan and others under the S.C. Trust Code to seek to enforce the "I Feel Good" Trust, or a creditors to do the same under the SCPC.

65. The Court overlooked or misapprehended that the Bauknight/Sojourner appointment violated all notions of fairness because:

- a. The July 29, 2013 Bauknight Summons and Petition seeking to be sole PR/Trustee under the Will and 2000 Trust. The summons and Petition did not name a single heir in either the caption or the body. It was not served on anyone. Attached to the Petition was a second petition seeking the appointment of Sojourner. It was not served on any Appellant, although they were required by the SCPC to be served and named.
- b. On September 4, 2013, with no service on or proper notice to any Appellant, the circuit court conducted a "hearing" which was not a hearing as contemplated by Due Process.

c. The "hearing" failed to even meet the definition of hearing under the SCPC because no examination of Bauknight or Sojourner was allowed.

d.. Only the circuit court asked questions, and failed to inquire about: any of Bauknight's wrongdoing; the above payments; Bauknight's refusal to file the claimed \$4.7 million "appraisal" even though required to do so by the Probate Code; Bauknight's material misstatements to the Supreme Court; or Bauknight's bringing a suit claiming to be acting "on behalf of" the Attorney General when he had no such authority.

66. The Court overlooked or misapprehended that since July 2013 the circuit court has refused to conduct a hearing on the release by Bauknight of the fee agreements ordered to be delivered in March 2010, but not in the Clerk's office.

67. The Court overlooked or misapprehended that the claim of all Appellants and their children to termination rights under the Federal Copyright Act is based on the confirmation that Brown died without a spouse.

68. The Court overlooked or misapprehended that the appealed orders, if not reversed, will continued violation of the Due Process and Due Process rights of all Appellants; the Equal Protection Rights of some; the South Carolina Probate Code ("SCPC"); the South Carolina Trust Code ("SCTC") rights of all; and the South Carolina Freedom of Information Act ("FOIA") rights of some.

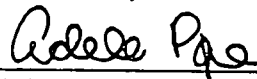
69. The Court overlooked or misapprehended that the circuit court's refusal to conduct a hearing on the appointment of a GAL for Michael and the refusal of the Clerk of Court, under direction of the Chief Administrative Judge, to accept motions of non-parties while allowing Tommie Rae and James B. to participate violates their Due Process, First Amendment, Equal Protection and statutory rights.

70. The Court overlooked or misapprehended that the *Wilson v. Dallas* decision

was not intended to be interpreted as it has been by the circuit court to:

- a. Deprive Appellant Pope and Robert L. Buchanan, Jr. of the right to defend themselves in the Wingate Suit.
- b. Deprive Appellant Pope of the right to void the unconstitutional 2008 Gag Orders where they she is being sued by Tommie Rae, and other Appellants the right to do the same to protect their property rights under the Federal Copyright Act.
- c. Deprive Appellant, Buchanan or any South Carolina citizens of their FOIA rights to obtain public James Brown documents.
- d. Require FOIA suits filed by other South Carolina citizens to be transferred to Richland County and consolidated with the Wingate Suit.
- e. Allow Bauknight to continue to serve as fiduciary for Tommie Rae and agent for James B. (with no GAL) and claim to protect the estate plan.
- f. Allow Sojourner to ignore the 1999 Will.
- g. Prevent Appellants and other Interested Parties from participating in suits which affect them.
- h. Continue, through Bauknight and Sojourner, the State's contract to favor Tommie Rae and James B.

Respectfully submitted,



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Attorney for Appellants

June 25, 2013

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

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JUL 25 2014

The Honorable Doyet A. Early, III Circuit Court Judge SC Court of Appeals

Appellate Case No. 2014-000794

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 OF APPELLANTS TO MOTION OF BODMAN AND BELL
TO WITHDRAW AS COUNSEL

For the reasons set forth herein, and in the affidavit of Adele J. Pope filed
herewith and Reply to Return of Matt Bodman, Esquire and David B. Bell, Esquire also
filed herewith, Appellants consent to the withdrawal as Attorney of Record for
respondent Terry Brown. They respectfully submit that the action of David Bell,
Esquire, with Respondents Terry and Forlando Brown and Sojourner, to siphon off the
rights of Michael and other heirs not challenging James Brown's estate plan provide

further evidence that this appeal should proceed; the Orders which are the subject of this appeal should be voided; and the matter should be remanded for all Appellants to fully participate in all matters where Tommie Rae Hynie seeks to be declared, or might be declared, the spouse of James Brown; the estate plan is being challenged; and/or there is a determination of heirs of James Brown.

Appellants adopt the Reply and Affidavit as fully as if set out herein, but also call to the Court's attention:

1. David Bell, Esquire, Terry and Forlando Brown have defrauded the State and Federal Court since 2007 under a plan Forlando understood when he and Terry hired their first attorney on January 9, 2007 to be:
 - a. Make a deal with the Cannon Trustees; or, if that fails
 - b. Manipulate the legal system.
2. Bell, Forlando and Terry elected by mid-2007 to align themselves with Respondents Cannon and Dallas.
3. By September 2007 Bell, Forlando and Terry had filed a false stipulation to entice the Attorney General to enter the James Brown proceedings; support felon Cannon; and denigrate Robert Buchanan, Jr. and Appellant Pope.
4. In January 2008 Bell and Forlando filed a baseless federal lawsuit to paralyze the 2000 Trust until the Cannon Group was reinstated; the assets could be sold for \$100 million; Forlando would own 39% of TJBL, the purchaser; and the Cannon Group would get \$15 million in commissions and options or a "kickback" from the IPO to be formed.
5. Bell, Forlando and Terry, with Cannon and Dallas, fabricated the claim that Buchanan and Pope tried to oust the innocent Cannon to get the \$5 million commission payable on Brown's \$100 million estate.
6. Forlando enticed Attorney General McMaster to appear with him on WIS-TV on February 7, 2009 claiming Buchanan and Pope acted improperly, which was false.
7. To advance their position, Forlando, Bell, Terry and a brother

filed 6 false grievances against Louis Levenson, Esq. in two states, including falsely claiming a forgery on their 30% contingency fee contract.

8. By April 8, 2008 Forlando, Bell and Terry knew that the findings in a detailed Order of Jg. Early that all of Buchanan's and Pope's service had been both ethical and appropriate was correct, and did not seek reconsideration of the April 8 Order.

9. Bell and Forlando, however, continued their false claims in the federal case until they were dismissed in 2012.

10. The Cannon Group, Bell and his clients utilized the largest and most prestigious firms and attorneys in the region to advance their agenda, including Kilpatrick Stockton, Greenberg Traurig, Powell Goldstein, Turner Padgett, Hull Towell and the firm of former Chief Justice Ernest Finney, changing attorneys as needed to cover up their wrongdoing.

11. Kilpatrick Stockton was a source of an incorrect claim about the Christie's GRAMMY sale. The sale of the GRAMMY, and the decision to withdraw it without penalty were both proper; supported by the Attorney General and Christie's; never challenged by anyone; and approved in three unappealed Court orders.

13. Attorneys at Hull Towell and Powell Goldstein joined Dallas in attempting to chill the Christie's sale. Dallas filed documents in the Court of Appeals 9 days before the sale. They were rejected.

14. Forlando abandoned the false Christie's claims, but Bell authorized Kenneth Wingate, Esquire, and Russell Bauknight to revive them in 2010 when Buchanan and Pope would not abandon the *Wilson v. Dallas* appeal. Both Wingate and Bauknight claimed to speak for the Attorney General, but neither was properly authorized to do so.

15. From January 2009 until May 8, 2013 Bell and Bodman, with knowledge of Terry and Forlando, took materially opposite position for Terry and Forlando, making repeated false claims to the Supreme Court, including:

a. Terry claimed Tommie Rae was Brown's spouse even though both knew she was not.

b. Terry told the Supreme Court Bauknight's less than \$4.7 million value of Brown's music empire was correct even though Forlando correctly said it was "bogus."

c. Terry accused Buchanan and Pope of intentionally overstating the value of Brown's music empire to the IRS by \$79 million to get a \$5 commission, a felony. Forlando correctly stated that their \$84 million sworn value (\$100,000 less the TIAA Debt) was correct and conservative.

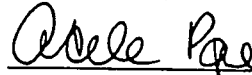
d. Terry told the Supreme Court there were never any offers to buy the music empire, while Forlando confirmed offers of \$150 million were still available in late 2008.

e. Terry joined Bauknight in claiming that Ms. Hynie and her son controlled the termination rights to Brown's copyrights to more than 800 songs, while Forlando correctly confirmed she was entitled to nothing under the Federal Copyright Act.

12. From and after May 19, 2010 Bell, Bodman, Terry and Forlando joined with Russell Bauknight in authorizing the Wingate Suit; and interfering with FOIA compliance to cover up the Wingate Litigation Retention Agreement; the Hynie "diary;" amendments to the McMaster Legacy Trust; the \$4.7 million appraisal and other public documents.

14. The interference with FOIA, and deception of Bauknight, Bell, Forlando and Terry continued after the decision in *Wilson v. Dallas*, 403 S.C.411, 743 S.E.2d 746 (2013), and continues today.

Respectfully submitted,



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S.C. Bar No. 4501
Attorney for Appellants

July 25, 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. 2014-000794

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

REPLY OF APPELLANTS TO RESPONSE
OF BODMAN AND BELL TO FILINGS

Appellants oppose the relief sought in the response of Matt Bodman, Esquire and David

B. Bell, Esquire on the following grounds:

1. Michael Deon Brown ("Michael") is entitled to an unconflicted Guardian *Ad Litem* ("GAL") in all James Brown proceedings, and David Bell, Esquire's alliance with Russell Bauknight and Tommie Rae Hynie to bring, and continue today, Richland County Case No. 2010-CP-40-4900 ("The Wingate Suit"), and their interference with FOIA disclosure in three FOIA

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SC Court of Appeals

cases, is in direct conflict with Michael's interest¹.

2. Bell has lacked candor with the state and federal courts in matters related to James Brown for 7 years.
3. Bell has actively participated, and been aided by Bodman, in substantially more than 5 James Brown cases for several years without proper *pro hac vice* admission, and/or in excess of the limits.
4. Since 2007 Bell has filed 6 baseless grievances against attorney Louis Levenson, Esquire; threatened a baseless judicial grievance against Robert Buchanan, Jr.; filed a fabricated schedule to the James Brown 2000 Trust in a Federal filing; and filed at least two false affidavits in Federal Court Case No. 3:08-cv-00014-WOB (Forlando Federal Suit).
5. Bell was the perpetrator of the false claims to the Supreme Court about the Christie's sale; was aligned with Kilpatrick Stockton, the source of a false claim about the sale of the GRAMMY; and Bodman/Bell made the knowing false representations to the S.C. Supreme Court that Brown's music empire was worth \$4.7 million at his death at the same time their client was conducting due diligence for a sale at as much as \$200 million; and knowingly made false representations to the Supreme Court about Brown's heirs and the Federal Copyright Act.
6. The affidavit of Michael Brown filed with the response was signed on May 19, 2014, before Bell and Bodman were terminated by Terry, and does not constitute a waiver of the Rule 17(c) requirement for a GAL.
7. Bell has been active since September 2013, and aided by Sojourner, in siphoning off the "I Feel Good" Trust's rights to contract with Michael and others.
8. Bell and Bodman have not properly moved before any court for waiver by Michael of his required representation by a GAL under Rule 17 (c).
9. Dismissal of the appeal as to Michael is inappropriate, because the appeal addresses the refusal of the circuit court to conduct a hearing; appoint a GAL; and allow all Appellants to participate in cases where Tommie Rae or her son seek to be, or might be, determined heirs.

¹See, for example, Order of the Honorable Eugene C. Griffith dtd. July 8, 2014, denying Wingate/Bauknight intervention in Case No. 2012-CP-36-00688, where a journalist is seeking, among other documents, the so-called Hynie "diary" used by AG McMaster in his decision to give Ms. Hynie 25% of the "I Feel Good" Trust.

10. Dismissal is inappropriate because Respondent Sojourner has worked with Bell and Terry Brown to deny Michael and other heirs their rights, damaging both the "I Feel Good" Foundation and the HALF (or half + 1) of James Brown's real heirs not challenging the estate plan with whom the Estate/2000 Trust should have contracted in 2011 and since to protect the "I Feel Good" Foundation's \$3+ million annual royalty stream for needy students.

Bearing on the issue of David Bell's conflicts are the following and other facts consented to by his former clients Terry and Forlando Brown in the Statement of the Case in the initial brief of Appellant in Appellate Case No. 2013-001649:

The June 13 Orders, affecting fourteen Alken County James Brown cases, were issued without service of a pleading on or notice to at least a dozen necessary parties, including:

- ...
- 2. Brown's DNA-proven daughters acknowledged by the Estate in 2007: LaRhonda Pettit; Nicole Parris; and Jeanette M. Bellinger;
- 3. Brown's daughter Lisa from his first marriage;
- 4. Brown's incarcerated son Michael and claimed son James Curtis [Both awaiting DNA testing];
- ...
- 6. Appellant and other creditors who have demanded notice.

[T]he Wingate Suit, filed May 19, 2010, currently has jurisdiction over material James Brown issues, including:

- ... 3. Was Tommie Rae Brown's spouse?

The AG/State agreed to join with Tommie Rae and others to :

... use their best efforts to extinguish any other outstanding interests or claims by any potential heir, devisee, or Successor...

On September 27, 2008 Brown's grandson Forlando... testified ... that offers of \$150 million were still available for the music empire.

On November 18 and 19 [2008] [t]he estate tax return was examined in detail. No objection to the \$84 million value was made.

On January 30, 2009 Terry joined the AG's settlement. Terry was given nearly 5% of Brown's assets and a right of first refusal... (the "ROFR").

In March 2009 Buchanan and Pope raised concerns to AG McMaster that Terry and others were seeking to devalue the music empire...

On May 19, 2010, the State/AG, Tommie Rae and others sued Buchanan and Appellant in the Wingate Suit...

On August 27 Tommie Rae and all who had challenged Brown's estate plan in the Levenson Intestacy Suit admitted in the Wingate Suit:

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

In January 2011 AG McMaster, Terry and Others amended the Legacy Trust, and Terry's interest in the estate and ROFR were transferred to Forlando.

In April 2011 Wm. Jeffrey Smith and Appellant circulated the draft of *Private Foundations, Copyright Heirs and Musical Millionaires: why the James Brown "I Feel Good" Trust doesn't...* for review by professionals.

In May, 2011 Bauknight filed an amended I&A asserting the value of Brown's music empire was about \$4.7 million...

August 3, 2011 Appellant filed a FOIA Suit in Newberry County to obtain:

1. A copy of the Legacy Trust, with amendments, which had sued her in the Wingate Suit; and
2. A copy of Bauknight's \$4.7 million appraisal [Complaint].

On August 10, 2011 Appellant filed a FOIA Suit in Newberry County to obtain a copy of the Wingate Litigation Retention Agreement.

In the fall of 2011 Tommie Rae, Bauknight and other Wingate Suit Plaintiffs moved to intervene in Appellant's FOIA Suits...

On November 1, 2011, Bauknight, through counsel, represented to the Supreme Court:

1. Tommie Rae's elective share claim was a "slam dunk."
2. Copyright termination rights are "all this case is about."

...

By Order dated January 11, 2012 the FOIA Suit seeking the \$4.7 million appraisal was moved to Richland County. The ... motion to consolidate it with the Wingate Suit is pending.

In June 2012 James Curtis wrote Appellant claiming to be Brown's oldest son. He asked to be DNA tested. Appellant notified Bauknight. ..

On July 20, 2012 Dallas gave a sworn statement confirming why the Estate/2000 Trust, during his administration, asserted Tommie Rae was not Brown's spouse.

In 2012 Summer filed a FOIA suit....

In 2012 the ... Bauknight joined Tommie Rae in a motion to dismiss the Gag Orders appeal.

In late 2012, Bauknight secretly paid Wingate \$563,000 from the Estate. This was in addition to Wingate's 40% contingency.

On February 27, 2013, the first *Wilson v. Dallas* opinion was issued. It contained Footnote 29, which said:

29 ...

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...

On March 6, 2013 Appellant met with AG Wilson to discuss concerns.

On March 14, 2013 the State/AG's Petition for Rehearing said of the Wingate Suit:

In this instance, the [AG] was particularly hesitant to sue because Appellants Pope and Buchanan enjoy a superb reputation throughout the legal community. Appellant Buchanan serves as a part-time federal magistrate judge and is a long time member of the South Carolina Bar... Appellant Pope has, for more than thirty years in South Carolina, been an outstanding attorney in the field of trust and estate matters. She is considered by the legal

community to be an exceptional attorney. [p.25]

On April 18, 2013 Wingate asked Judge Manning to delay any hearing in the Wingate and FOIA Suits. [Ltr. Gende]

On May 8, 2013 the Supreme Court issued the final *Wilson v. Dallas* decision....

Between May 8 and May 12, prior to the Remittitur, Bauknight obtained *ex parte* orders from Judge Early and the Probate Judge naming him SA and ST.

On May 12, 2013 Wingate wrote Judge Manning:

The Supreme Court, in substituting the new opinion has completely eliminated Footnote 29 from the prior opinion. Footnote 29, while only dicta in the now replaced opinion, addressed, among other items, the FOIA matters and called for them to be heard "in the first instance" without any clear definition of what that meant. Such language is totally absent from the new order. . . the court no longer puts any primacy or priority on any court hearing these matters.

...Therefore, Case 4900 Plaintiffs and Proposed FOIA Interveners respectfully request that [the Wingate & FOIA Suits] be held in abeyance in its entirety until all underlying issues related to the Plaintiffs are resolved by the Aiken Court. [Emphasis supplied.]

On May 17, 2013 Judge Early directed that any *Wilson v. Dallas* remand requests must be made by properly-filed motion by May 25.

No record was made of the May 29, 2013 status conference. Levenson and counsel for Tommie Rae announced their intention to attempt to reinstate the AG's settlement. ..

The AG announced his intention to withdraw from the Aiken cases.

The June 13 Orders, in part:

1. Enjoined Appellant, other fiduciaries and creditors who support the 2000 Estate Plan and backup 1999 Will from participating in the James Brown estate and trust cases;
2. Directed that Appellant's unheard motions be removed from the public record;

3. Directed the Clerk not to accept any filings of Appellant in any case except the case she filed on June 10.

Since June 13 Appellant has made multiple requests for a hearing as to the 2008 Gag Orders.

On August 20, 2013, Bauknight was deposed in the Forlando Federal Suit. When questioned about whether appellant's service in appealing the AG's settlement helped the estate, he stated:

That's poppycock. Pure speculation from your client. 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.]

In August 2013 Brown's son Daryl launched a website to try to help save Brown's estate plan and the "I Feel Good" Trust.

On October 1, Bauknight and his appointee [Sojourner] were appointed fiduciaries based on a summons and petition not directed to or served on any heirs, devisees or beneficiaries as required by the Probate Code; and after a "hearing" where there was no required notice and those attending were not allowed to examine either Bauknight or his appointee. SEE SCPC §62-3-402 and §62-3-403.

In October 2013 Appellant filed a motion to be named GAL for incarcerated son Michael after seeing that Bauknight's appointee was trying to terminate his interest as an heir without his having been served or allowed to

undergo the Peeples DNA Protocol...

On October 10, 2013 Bauknight's appointee [Sojourner] was named limited SA in an *ex parte* probate court order...

On November 18, 2013, the Honorable J. Gregory Wehrman declared that the Wingate Contingency Fee Agreement was a public document..

The Wingate Agreement showed that the..contract was not signed by any Plaintiff other than Bauknight. It was signed by Levenson, Bell and counsel for Tommie Rae.

On January 6, 2014, the Appointee asked the Court to terminate La Rhonda's acknowledged heir status on January 8, 2014, even though she had died in December. [Ltr. Beach 1/6/14].

As of February 19, 2014:

...

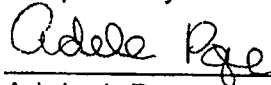
2. Appointee has ravaged the rights of Michael, LaRhonda, Lisa, Nicole and Jeanette, Daryl and James Curtis with knowledge, as defined in the Trust Code, of the damage he is doing to the "I Feel Good" Trust's royalty copyrights. [See Mots.Pope.Aff.]

3. Neither Bauknight nor Appointee has asked the Court to dismiss Tommie Rae's claims; lift the 2008 Gag Orders; and complete the People's DNA Protocol;

4. Judge Early has declined to hear Appellant's Motion to be GAL for Michael, and others not challenging the "I Feel Good" Trust.

...

Respectfully submitted,



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

July 25, 2013

STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

JUL 25 2014

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2014-000794

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

**AFFIDAVIT OF ADELE J. POPE IN RESPONSE TO FILINGS OF BELL AND
BODMAN RELATED TO RESPONDENT TERRY BROWN AND APPELLANT
MICHAEL DEON BROWN**

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

1. This Affidavit is based on my own personal knowledge and belief.
2. I am informed and believe that it is appropriate for David Bell, Esquire and
his sponsor Matt Bodman, Esquire to withdraw as counsel for Terry Brown ("Terry"), but

ask the Court to disregard their requests related to Michael Deon Brown ("Michael").

3. David Bell has a 7-year history of material misrepresentations to multiple courts in the James Brown matters.

4. There is substantial evidence that Michael has never been informed of his mandated right to a GAL under the SCRCP, and that Michael does not know:

a. In 2007 David Bell, to helped felon David Cannon and former James Brown trustee Albert Dallas, filed a knowing false stipulation that Brown's 2000 Trust had only Brown's Beech Island home estate and a small amount of cash in it.

b. In 2008 David Bell filed U.S. District Court Case No. 3:08-cv-00014-WOB (the "Forlando Federal Suit") containing fabricated claims against Robert Buchanan, Jr., the Court and me, and prolonged the 4-year now-dismissed frivolous claims for years with at least two false affidavits.

c. In 2008 David Bell filed six fabricated grievances against Louis Levenson, Esquire, including falsely accusing him of forging the 30% contingency contract he had with Forlando and Terry Brown.

d. By January 2009 David Bell, through Terry, was aligned with Tommie Rae Hynie and stipulated that she was Brown's wife, even though even though both knew she was not. Terry contracted to fight the heir claim of Michael, who was incarcerated and seeking DNA testing.

e. In March 2009 David Bell threatened Robert Buchanan, Jr. with a judicial grievance is he did not resign as PR/Trustee and abandon his challenge to the dismembering of the "I Feel Good" Foundation.

f. In 2008 and 2009 David Bell told the Court he knew nothing about Federal Copyright Act termination rights.

g. On May 19, 2009, David Bell, counsel for Ms. Hynie and Louis Levenson secretly signed with the law firm of Kenneth Wingate, Esq. ("Wingate") the Wingate Litigation Retention Agreement to sue to try to stop the *Wilson v. Dallas* appeal which restored Michael's rights.

h. David Bell approved the Wingate Suit complaint to sue Buchanan and Pope in the name of the State/Attorney General without legal authority to do so.

i. David Bell worked with Bauknight on the Wingate Suit and otherwise from 2010 to 2013, trying to convince multiple courts that Ms. Hynie was Brown's wife.

j. In addition to authorizing the Wingate Suit, Hynie and David Bell authorized Bauknight's 3-year interference with three FOIA suits to stop the release of the following public documents including;

1. The Wingate Litigation Retention Agreement that would confirm Wingate's and Bauknight's claim that they speak for the Attorney General was false;

2. The so-called Hynie "diary", public handwritten notes of Ms. Hynie that, according to Forlando, provide compelling evidence Ms. Hynie was not Brown's spouse.

3. The \$4.7 million appraisal and related documents which David Bell told the S.C. Supreme Court was the value of Brown's music empire at Brown's death in 2006, but which Forlando properly characterized as "bogus."

4. Amendments to the McMaster Legacy Trust to show that in January 2011 AG McMaster, Terry, Hynie's attorney and Levenson amended the McMaster Legacy Trust and Forlando began working to sell the music empire for as much as \$200 million while Mr. Bodman/Terry told the Supreme Court it was worth \$4.7 million.

5. As is demonstrated by Exhibit A, Bauknight and Wingate continue eighteen months after the first *Wilson v. Dallas* decision to protect Ms. Hynie and try to reinstate the settlement that dismembered the "I Feel Good" Trust and left out Michael.

6. There is substantial evidence that David Bell claims to represent Michael solely to siphon Michael's Federal Copyright Act termination rights, and those of Michael's son, for the benefit of Ms. Hynie and the settling parties to the 2008 deal.

7. Demonstrating that Ms. Hynie is not Brown's spouse under state law is both in the best interest of the "I Feel Good" Foundation and essential to Michael.

8. In the 10 months Mr. Bell has claimed to represent Michael he has filed

Exhibit A

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

) IN THE COURT OF COMMON PLEAS
)
) THE EIGHTH JUDICIAL CIRCUIT

Susan D. Summer,

Plaintiff,

v.

Alan Wilson, In His Capacity As
Attorney General for South Carolina,

Defendant.

Civil Action No.: 2012-CP-36-00688

SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF PROPOSED INTERVENOR'S
MOTION TO RECONSIDER

Proposed Intervener Russell L. Bauknight, as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust (hereinafter collectively "the Estate"), by and through the undersigned counsel, hereby submits this Supplemental Memorandum in Support of Proposed Intervenor's Motion To Reconsider. Specifically, this Memorandum addresses the South Carolina Supreme Court's recent holding in *Perry v. Bullock*, Op. No. 27419 (S.C. Sup. Ct. filed July 16, 2014) (Shearhouse Adv. Sh. No. 28 at 116).

In *Perry*, the court examined whether autopsy records are included within the definition of "medical records" provided in S.C. Code § 30-4-20 such that they are exempt from disclosure in response to a Freedom of Information Act ("FOIA") request. *Id.* at 117. While the bulk of the supreme court's opinion is devoted to defining these terms, the court offers a few key insights into the general scope of the FOIA and the role of the courts versus the legislature in determining its reach. First, though acknowledging that the FOIA is to be "liberally construed" to carry out its purpose, the court reiterated that "records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of [the FOIA]." *Id.* at 119 (citing S.C. Code § 30-4-20).

FILED
NEWBERRY COUNTY
JUL 24 AM 10 17
JACKIE S. BOWERS
CLERK OF COURT

In affirming the trial court's finding that the documents were exempt from disclosure, the *Perry* court also noted that § 30-4-40 allows public bodies the discretion to decline to disclose certain other categories of information. The court ultimately held that it was "compelled here by the plain meaning of the statutory term to conclude that an autopsy report is exempt from the FOIA's disclosure requirement." *Id.* at 121. Finally, and of particular relevance to this case, the court observed that "[a]lthough there may be policy concerns militating against this result, that is a matter for the legislature and not for this Court." *Id.* at 121-22.

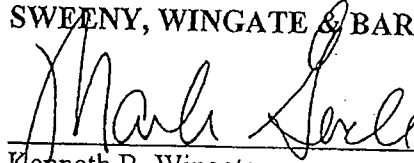
In the instant case, this Court's Order exceeds the plain language of the FOIA by ordering the disclosure of confidential documents in direct contravention of § 30-4-40's exemption from disclosure of "[c]orrespondence or work products of legal counsel for a public body and any other material that would violate attorney-client relationships". As with the "items 'of or relating to the performance of an autopsy'" in *Perry*, public entities have an expressly reserved option to withhold from disclosure material described in § 30-4-40(a)(7) and other sections. This Court's Order is particularly untenable in light of the supreme court's implied affirmation of § 30-4-40's optional disclosure exemptions in *Perry* and its even more pertinent reminder that policy concerns related to under-disclosure are for the legislature's attention, whereas the courts are bound by plain statutory language. As a result of this Court's Order, it is likely that correspondence or work products of legal counsel for a public body and other material that would violate attorney-client relationships will be disclosed in contravention of the FOIA's exemptions and without the Estate having been allowed to intervene to protect its rights.

Given the foregoing, Proposed Intervenor respectfully requests that this Court reconsider its Order in accordance with the Motion to Reconsider filed by the Proposed Intervenor and

allow intervention and argument as to why certain of the FOIA requests should be denied or consolidated with Richland County case 4900.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



Kenneth B. Wingate

Mark V. Gende

Joseph O. Thickens

Sweeney, Wingate & Barrow, P.A.

Post Office Box 12129

Columbia SC 29211

(803) 256-2233

ATTORNEYS FOR PLAINTIFFS

Columbia, South Carolina
July 23, 2014

2

STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED
JUL 22 2014

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appeal from Circuit Court Cases
2013-CP-02-1647
2013-CP-02-2849
2013-CP-02-2850
2013-CP-02-2851

Appellate Case No. 2014-000794

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

REPLY TO RETURN OF DAVID C. SOJOURNER, JR.

David C. Sojourner, Jr. acting under an *ex parte* limited special
administrator appointment granted by the Aiken County Probate Court and a
limited special trustee appointment currently subject to a pending petition for writ

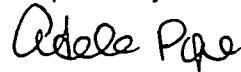
of certiorari to the South Carolina Supreme Court, asks this Court not to terminate the appointment of Georgia attorney David B. Bell, Esquire, who has made repeated and material misrepresentations to both the State and Federal Courts since 2007 in connection with James Brown matters.

Instead of addressing Mr. Bell's improper actions, Mr. Sojourner elects to attack the proposed guardian *ad litem* for real heirs of James Brown. Mr. Sojourner recently attacked now-DNA-proven son Michael Deon Brown.

Mr. Sojourner is actively working to defeat the interest of the HALF (or half + 1) of James Brown's real heirs who are not challenging the estate plan of James Brown or the "I Feel Good" Foundation as embodied in Brown's 2000 estate plan and backup 1999 will, and who will provide the most inexpensive means to protect Brown's copyrights to more than 800 songs for decades. He does so in aid of non-spouse Respondent Tommie Rae Hynie, Plaintiff in Richland County Case 2010-CP-40-4900, with whom Bell is aligned.

Appellants refute each and every allegation of Mr. Sojourner; crave reference to the motion; and ask that it be granted.

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

July 21, 2014

Attorney for Appellants

Aiken County Clerk of Court

Court of Common Pleas
P. O. Box 583
Aiken, S.C. 29802



Phone: 803 642-1715
Fax: 803 642-1718

May 30, 2014

Adele J Pope
1228 Walnut Street
Newberry, SC 29108

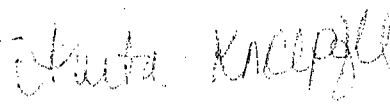
Ref: 2013CP0202851

Dear Ms. Pope:

In regard to the pleadings dated May 23, 2014, with civil case number 2013-CP-02-02851 caption, I am returning same to you as our Chief Administrative Judge has instructed us not to file any pleadings in cases if they are not a party to the action.

If you have any questions regarding this, please contact Judge Early.

Thanking you in advance,


Anita Knoepfle
Aiken County Clerk of Court
803-642-1549

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501

James B - Exhibit E, p. 1

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) Civil Action No. 2007-CP-02-1647
 COUNTY OF AIKEN)
) Motion to Reconsider, Vacate, Set
) Aside, Alter or Amend Order
 Adele J. Pope, Individually, as) Dated December 16, 2013
 Proposed Guardian *ad Litem*, and) Severing Omitted Spouse Claim,
 on Behalf of Others Under S.C.) Elective Share Claim,
 Trust Code Section 62-7-405) And Pretermitted Child Claim
)
 IN RE: THE ESTATE OF)
 JAMES BROWN)
a/k/a JAMES JOSEPH BROWN)

TO: ROBERT ROSEN, ESQ., AND PETER SHAHID, ESQ., AND THEIR CLIENTS
 TOMMIE RAE HYNIE AND JAMES B.

YOU WILL PLEASE TAKE NOTICE that ten days after service hereof, or as soon thereafter as she may be heard, Adele J. Pope, Individually; as proposed Guardian *ad litem* for incarcerated Michael Brown; as an Other and on behalf of all Others seeking to enforce The James Brown "I Feel Good" Trust; and as an Interested Person and Creditor with a Counterclaim for offset as to any share of Hynie and James B. in the Estate and/or James Brown 2000 Irrevocable Trust ("Pope") will move before the Honorable Doyet A. Early, III, at the Aiken County Courthouse located at 109 Park Avenue S.E., Aiken, South Carolina, pursuant to Rule 59(a) (b) and (e) and 60(a)(b) SCRPC, for an order voiding, vacating, setting aside, altering and/or amending the Order Severing Omitted Spouse Claim, Elective Share Claim and Pretermitted Child Claim dated December 16, 2013 received by Pope on December 16, 2013. A copy of the referenced Order (the "Severance Order") is Attached hereto as Exhibit A.

Summary of Relief Requested

The Honorable Doyet A. Early, III ("Jg. Early") issued the Severance Order in a case in which the Hynie & James B. claims are not pending; based on a Motion not properly served on Interested Persons and not complying with SCRCP or Due Process.

The Order denies Due Process rights to The James Brown "I Feel Good" Trust; heirs Daryl, Michael, Lisa, Nicole, La Rhonda, James Curtis (subject to DNA confirmation); grandchildren beneficiaries Lindsey, Janise and Jason Brown; the Doe Defendants (subject to DNA) confirmation, and other beneficiaries of the 1999 Estate Plan who support the Estate Plan, other Beneficiaries of the 2000 Estate Plan who support the Estate Plan and the "I Feel Good" Trust, as well as Pope, individually, as a creditor and as an Interested Person who has properly filed a Demand for Notice. It was brought when David C. Sojourner, Jr., lacked authority to protect the Estate Plan.

The Severance Order should be declared void. A hearing should be held in Case 2007-CP-02-0122 to summarily dismiss Hynie's and James B's claims for lack of jurisdiction and his failure to submit to DNA testing under the Peeple DNA Protocol for six years, nearly five after the Estate paid for the testing.

II. Specific Objections

The grounds of this motion are:

1. The Court failed to consider, find and order that because the original filings of Hynie and James B. were filed in the wrong courts and failed to comply with statutory requirements, the Court never obtained jurisdiction to proceed with either.
2. The Court failed to consider, find and order that the first and only matters to

be heard with respect to Hynie – and to be heard in Case 2007-CP-02-0122 – are the pending Motions of the Estate/2000 Trust to dismiss all of her Spousal Claims as improper, lacking jurisdiction and void – as more fully set out in those motions, which are incorporated herein by reference.

3. The Court failed to consider, find and order that the sole matter to be heard with respect to James B. is the Estate/2000 Trust's motions to dismiss his claim because he was not born of any marriage of James Brown and has refused to take the DNA test under the Peebles DNA Protocol after the Estate paid for his testing in 2008.

4. The Court failed to consider, find and order that the Court's Order damages the "I Feel Good" Trust in its efforts – since 2007 – to protect its copyrights by a fair and complete determination of the Heirs-at-death of James Brown.

5. The Court failed to consider, find and order that the Court's special treatment of James B., the only claimed child born during the 22 years between James Brown's vasectomy and death, violates Due Process and Equal Protection right of real heirs.

6. The Court failed to consider and find that this Court must stay the determination of Hynie is Brown's spouse because Richland County has exclusive jurisdiction over the issue under the following facts..

a. The Estate/2000 Trust, Hynie and James B. filed the Wingate Suit on May 19, 2010.

b. The Estate/2000 Trust, Hynie and James B. falsely claimed in the Wingate Suit that the Aiken County matters were over and that findings of Jg. Early related to the propriety of actions of Pope and Robert Buchahan, Jr, were "dicta."

c. The Estate/2000 Trust, Hynie & James B., over the objection of Buchanan and Pope, prevailed in having the matter remain in Richland County, which now has exclusive jurisdiction under the Probate Code.

d. Buchanan's and Pope's counterclaims assert that they never owed Hynie a duty because she was not Brown's spouse, and that James B. failed to prove himself a son.

e. But for Hynie's deposition, a decision on the merits is ready to be made in the Wingate Suit.

7. The Court failed to consider, find and order that Hynie, James B. and the Estate/2000 Trust are estopped to deny that Richland County, as result of their misrepresentations, is now the sole and proper forum to determine Hynie's status.

8. The Court failed to consider, find and order that – unless Sojourner colluded with Bauknight, which is unlikely – Bauknight has sabotaged the Estate/2000 Trust by refusing to provide Sojourner with the tools, documents, pleadings and legal authority to protect the "I Feel Good" Trust based on his loyalty to Hynie and James, for whom he serves as agent in four pending cases.

9. The Court failed to consider, find and order that Pope is a necessary party because of her pending counterclaim for offset against Hynie, James B. and Bauknight as their agent.

10. The Court failed to consider, find and order judicial economy, Due Process and justice will be served by voiding the Order and proceeding in Richland County.

11. The Court failed to consider and/or find that an Order in Case1647 is improper because Case122 is a separate proceeding.

12. The Court failed to consider, find and order that it lacks jurisdiction because Hynie & James B. never filed proper Elective Share, Omitted Spouse or Pretermitted Child claims in the correct court and neither properly commenced a proceeding.

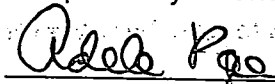
13. The Court failed to consider, find and order that Sojourner's SA appointment

under the void October 10, 2013 Order of the Honorable Sue H. Pope is void., leaving the "I Feel Good" Trust temporarily protected only by Pope/ Section 62-7-405 .

This Motion is supported by the United States Constitution; the Constitution of the State of South Carolina; the S.C. Probate Code; SCRCP, including Rules 59(a) (b) and (e) and 60(a)(b); the S.C. Appellate Court Rules; the Memorandum Related to Appealability and Supporting Affidavit, both dated December 17, 2013, filed in the S.C. Court of Appeals and the Complaint in Case 2013-CP-02-1337, all incorporated herein by reference; and such additional affidavits and memoranda as shall come before the Court prior to the hearing on this matters.

Under Rule 11 the undersigned affirms consultation with opposing counsel would serve no useful purpose.

Respectfully submitted,



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

Pro Se and as Stated

December 18, 2013

EXHIBIT A



HENRY McMASTER
ATTORNEY GENERAL

July 30, 2008

Adele J. Pope, Esquire
Robert L. Buchanan, Jr., Esquire
212 Newberry Street NW
Aiken, South Carolina 29801

Re: James Brown Litigation

Dear Mrs. Pope and Mr. Buchanan:

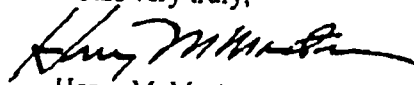
I am writing in response to your letter dated July 25, 2008. I am pleased that we may be able to work together towards our shared goals in connection with the Estate Plan of James Brown. As I mentioned in my last letter, Mr. Brown's Charitable Trust is a wonderful opportunity to further the education of needy children at institutions in South Carolina and Georgia. I hope that we will be able to work together to ensure that scholarships are funded as soon as possible.

While I have no objection to returning to our previous discussions about securing your proper appointment, I have concerns about whether this is possible given your unwillingness to consider the Special Trustee position. On several occasions you have indicated that you do not want to be appointed Special Trustee. I do not believe that you can be properly appointed permanent Trustee if you are not willing to resign and ask to be appointed Special Trustee, which I would support. Once you are appointed Special Trustee, we can ask the Advisory Board for a vote on the Trustee position, as required by Article XIII of the Trust document. If there is not a unanimous vote for you to be Trustee, then we can go to the Probate Court, have the matter removed to the Circuit Court, and have you properly appointed by the Circuit Court.

I am hopeful that as we go through this process, a third Trustee can be put in place along with both of you as required by Article VIII of the Trust. I appreciate your report in connection with my suggestions as to a suitable individual to serve as the third Trustee.

If you are willing to work together, I believe we can secure your proper appointment without further litigation, which would give us all more time to devote to the charitable intentions of Mr. Brown.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster

HMCM/mfj

June 9, 2012

James William Curtis

Age 61

Las Vegas, NV 89169

Dear Sirs,

This to inform you that I am James Brown's oldest son I will be 62 January 18, 2013. I was born in 1951, in Birmingham ALB and was raised in Augusta, GA. I knew my dad when he started in the Sure Joints where he met my mom who is deceased also. I am closely following this case and my sisters and brothers. So if any of the non inherited children receive anything you must start with me. BECAUSE I was born before his oldest son that died.

Please feel free to contact me

at [redacted]

Thank you,

James W. Curtis

ok yes you may take my DNA

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

June 26, 2013

The Honorable Alan Wilson
Attorney General for the State of South Carolina
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549

Re: The James Brown "I Feel Good" Trust"

Dear Attorney General Wilson:

In 1988 a "Free James Brown" movement erupted after entertainer and South Carolina resident James Brown was sentenced to 6 years in jail. Upon his release Brown resurrected and continued his brilliant 7-decade career until his death in 2006.

Twenty Five years later a movement to free Brown's "I Feel Good" Trust is needed. Despite two ironclad estate plans, Brown's \$100 Million "I Feel Good" private foundation has for 6 years been attacked -- then controlled by -- those who agree the "I Feel Good" Trust is just what James Brown wanted, but still seek to dismantle it.

As former Attorney General McMaster and the six of his 10 children Mr. Brown acknowledged in the Will told the Richland County Court in 2010:

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

The historic May 8 decision of our South Carolina Supreme Court appeared to save the "I Feel Good" Foundation, restoring the \$50 Million these challengers proposed to take from scholarships for needy students.

Events since your office withdrew from the Aiken County cases on May 29 suggest the "I Feel Good" Trust is in jeopardy again.

Won't you lead the movement to save the "I Feel Good Trust?"

Ltr. to Attorney General Wilson

June 26, 2013

Page 2

+++++

The quickest path to assuring that "I Feel Good" Trust's entire \$100 Million will be used for needy students is to support Formal Probate of Brown's 1999 Backup Will.

The "will and trust contest" should never have been made to appear to be a contest between Brown's noble 2000 Estate Plan and some of his claimed heirs. Unless simply dismissed, the contest should have been between the two valid Wills. Thanks to *Wilson v. Dallas*, the contest should be dismissed, or the questions presented be:

1. Should the \$100 Million "I Feel Good" Trust be dedicated solely to scholarships for needy students studying in S.C. and Georgia as set out in the 2000 Will and 2000 Irrevocable Trust?

OR

2. Should the \$100 Million "I Feel Good" Trust be dedicated solely to scholarships for needy students at Voorhees, U.S.C. Aiken and U.S.C. Salkehatchie as set out in the 1999 Will and now irrevocable 1999 Trust?

Wilson v. Dallas added the following important question to this dialog:

What 3 persons are capable of dedicating full time – sharing annually ½% of the value of the "I Feel Good" Foundation once saved (as approved by the IRS) – to

1. Finish using the \$285,000 Education Funds for Brown's 7 designated Grandchildren – many of whom have suffered since 2006;
2. Manage, with industry and other advisors, Brown's Royalties to more than 800 songs and Publicity Rights of equal value;
3. Vigorously Defend the "I Feel Good" Trust against all challenges; and
4. Deal fairly, but at arms' length, with Brown's 10 Heirs-at-death on Copyright matters?

As you know, if formal probate of the 1999 Backup Will is not sought within 10 years of Brown's death, it cannot be admitted. And almost 7 years have already passed.

I urge you to encourage and support this effort.

Thank you for your consideration.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION
C/A NO. 3:08-cv-00014-WOB

William F. James Brown f/k/a)
Forlando J. Brown,)

Plaintiff,)

v.)

Adele J. Pope, individually and)
As Trustee of the Irrevocable Trust)
established by James Brown in)
August 1, 2000, and)

Robert J. Buchanan, Jr.,)
individually and As Trustee of the)
Irrevocable Trust established by)
James Brown in August 1, 2000,)

Defendants.)

DEPOSITION OF

RUSSELL L. BAUKNIGHT

Tuesday, August 20, 2013
11:18 a.m. - 3:49 p.m.

The deposition of RUSSELL L. BAUKNIGHT, taken on behalf of the Defendants at the law offices of Nexsen and Pruet, 1230 Main Street, Suite 700, Columbia, South Carolina, on the 20th day of August, 2013 before Jennifer L. Cash, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

1 you're talking about.

2 Q: That doesn't ring a bell to you?

3 A: No. I wasn't aware that anybody else had ever
4 offered to buy any assets, not that anybody has
5 ever offered to buy assets. But the only one
6 I've ever heard referred to by Pope is this
7 supposed offer from Terry Cox which never was
8 an offer. She put \$100 million out there so
9 she could collect a \$5 million claim which
10 she's filed. Purely self-serving. Purely self-
11 serving. Selling assets of the estate to take
12 money for herself and leave it insolvent.

13 Purely self-serving. I'm sorry. I get carried
14 away. I get passionate about something I'm
15 working on when I see such wrong doing.

16 Q: So would you give serious consideration to a \$5
17 million cash offer for the estate and trust
18 today?

19 A: I'll tell you, I give serious consideration to
20 anything put in front of me. It's my job to
21 consider anything that's put in front of me, as
22 long as it doesn't waste my time, which is paid
23 for by this estate and trust, because that's my
24 job. I have to consider it. As I've told
25 Forlando Brown when he brings Oprah Winfrey

1 trust is any indication, who knows what will be
2 left when it's done. Millions and millions of
3 dollars, I'm sure, have been wasted with what's
4 going on today. And I've got along way to go
5 before we ever get there. No point in
6 speculating about if anything's going to be
7 left.

8 Q: Well, to be fair to my client, had she not
9 appealed the settlement order, that settlement
10 -- settlement entity would have been created
11 and all the mechanisms set forth in there would
12 have presumably have carried through.

13 A: Sure.

14 Q: And the I Feel Good Trust would have -- would
15 have been diminished as opposed to the ---

16 A: Oh, no. That's poppycock. Pure speculation.
17 and just fantasy from your client. Fantasy.
18 As I -- I testified on this. I'm the person who
19 actually looked at this. And I said it was a
20 fair and reasonable settlement. I don't know
21 where this fantasy is that \$50 million has gone
22 away. Number one, your client made up that
23 number. Your client did that in a self-serving
24 fashion so that she could take \$5 million out
25 of this estate for her retirement. So to say

1 that this would have been diminished is a load.

2 A total load. I looked at this. I saw. You
3 have no clue how termination rights where. You

4 don't know the value. Your client testified
5 about a law that doesn't even exist with

6 respect to termination rights showing her total
7 misunderstanding and lack of understanding of

8 this business. She has no clue what she was
9 dealing with and put stuff in the paper that

10 it's just totally fabricated untrue. It blows
11 me away that someone with a law degree can be

12 so dishonest and get away with it. So no, it
13 wouldn't have been diminished. That's been set

14 aside though. You know, what? That's set
15 aside by the Supreme Court. That's fine. I've

16 got a new roadmap, and I'm going to follow this
17 new roadmap to a T.

18 Q: And you have no allegiances remaining from your
19 old roadmap?

20 A: I had no allegiances to start with, other than
21 to this estate and trust. I'm not tied to the

22 Levenson group of clients. I'm not tied to
23 the Bell, Custer, Bodman list of clients. I'm

24 not tied to the Medlin, Rosen clients. I have
25 no ties whatsoever with these people.

**Law Office of Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108**

September 16, 2013

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Re:

Request for Meeting Re: Bauknight Claim that AG Wilson
never saw Appraisal on which False Felony Claim Based.

Mr. Bauknight's Continuing Interference with FOIA Rights

Dear Attorney General Wilson:

I ask to meet with you at your earliest convenience to deal with actions of Russell Bauknight taken within the last 30 days to perpetuate the false felony claim lodged against Robert Buchanan, Jr. and me by your office between 2011 and 2013.

Mr. Bauknight still speaks of record "on behalf of" the Attorney General of South Carolina in Richland County Case 2010-CP-40-4900 (the "Wingate Case"). Until that is corrected, the State/AG appears to bolster Mr. Bauknight's actions.

Your office assured the S.C. Supreme Court in March 2013 that the FOIA cases would proceed expeditiously.

Instead, on May 10 Mr. Bauknight told the Court in the Wingate Suit that the Supreme Court (by omitting the FOIA footnote) has no further interest in FOIA compliance. He asked Jg. Manning to delay the FOIA cases for what may be years.

Then on September 11, 2013 Mr. Bauknight asked the Federal Court to impose a confidentiality Order on two public documents requested under FOIA since 2011:

- a. The Wingate Litigation Retention Agreement; and
- b. The appraisal claiming the at-death value of James Brown's worldwide music empire was less than \$4.7 million.

In an August 20 federal deposition Mr. Bauknight claimed – for the first time – that your office never saw the less-than \$4.7 million appraisal which served as the basis of the felony claim lodged against Mr. Buchanan and me for two years.

Ltr. to Attorney General Wilson
September 16, 2013
Page 2

Mr. Bauknight clings to the notion that James Brown's worldwide music empire was worth less-than \$4.7 million at death – not the correct value of approximately \$84 Million. He clings to the notion that Ms. Hynie and her child control the Termination Rights. He clings to the false felony claims. His August 20 deposition says, in part:

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.

These are strong words for one speaking "on behalf of" the State/AG. It is doubly troubling when the less-than \$4.7 million appraisal has been under "lock and key" for three years despite the requirement of the S.C. Probate Code to file it.

Mr. Bauknight's claims about Ms. Hynie's control of the Termination Rights has been shown to be wrong. You have now asked to be dropped from the lawsuit the State/AG filed against us in 2010 based on somebody's (false) claim that AG McMaster would breach his fiduciary duty if he did not sue us on May 19, 2010.

It is time to undo the damage done by these false felony claims, and the above two public documents are one place to start.

Since October 2012 we have discussed the damage caused by the State/AG's adoption of Mr. Bauknight's false claim that Bob and I intentionally overstated the value of Brown's assets by \$79 million on the Estate Tax Return for the improper purpose of securing a \$5 million commission. Section 7206 of the IRC says:

Ltr. to Attorney General Wilson
September 16, 2013
Page 3

I.R.C. § 7206 - FRAUD AND FALSE STATEMENTS

Any person who -

(1) **DECLARATION UNDER PENALTIES OF PERJURY** - Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that is made under penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

...
shall be guilty of a felony and, upon conviction thereof, shall be fined ... , or imprisoned not more than 3 years, or both, together with the costs of prosecution. [Emphasis supplied.]

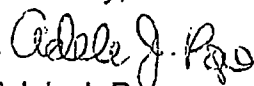
If it is true that you have not looked at the appraisal, and that you relied on Mr. Bauknight's guidance, I ask that we look at it together and assess whether there is an easy way to set these matters straight.

I ask that we meet at your earliest convenience to discuss this serious matter. I am sending this letter to my counsel Adam Silvernail, as I would like for him to join us.

We are available almost any morning at your convenience, and on most Tuesday and Thursday afternoons with a little notice.

Thank you in advance for the opportunity to speak with you.

Sincerely,


Adele J. Pope

AJP/ja
cc: Adam Silvernail, Esq.
Robert Buchanan, Jr., Esq.

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

April 3, 2014

Exhibit B

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

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

Russell L. Bauknight
% William Newsome
Nexsen Pruet
1230 Main Street, Suite 700
P.O. Box 2426
Columbia, South Carolina, 29202-2426

Re: Saving The James Brown "I Feel Good" Private Foundation -
Proposal for \$200,000 per year settlement in lieu of
\$2 million per year legal fees to Adams & Reese and Nexsen Pruet

Dear Attorney General Wilson, Dave and Russell:

On September 13, 2012 the State of South Carolina, speaking through AG Wilson and three assistants (including Sonny Jones, who signed for AG Wilson), joined Tommie Rae Hynie and Terry Brown (Matt Bodman) in the following representations to the South Carolina Supreme Court:

"This appeal is an unabashed attack on **Mrs. Tommie Rae Brown, the surviving spouse of James Brown...** And while Pope can use her word processor to change the caption, there is nothing she can do to change the facts establishing Tommie Rae's marriage to James Brown. ...Pope has inappropriately used her brief...to carry out a back-door challenge to the **family's** settlement agreement which is the subject of the *Wilson v. Dallas* appeal before the Supreme Court..." [Emphasis supplied]

Then there were pages of "setting the record straight" trying to prove that Ms. Hynie had been Brown's wife. AG Wilson claimed AG McMaster's due diligence included:

reviewing a copy of the diaries at issue before the protective orders

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AND:

... Pope clings to *her* frivolous allegation that there was an impediment to the marriage of James and Tommie Rae...

Just 5 months later the first *Wilson v. Dallas* decision suggested that challenging Ms. Hynie's claim was not that frivolous.

Between the September filing and the *Wilson v. Dallas* decision, *in a suit brought by Henry McMaster as Attorney General of South Carolina*, and Russell Bauknight as the AG's claimed agent, Russell Bauknight paid \$563,000 from the funds James Brown gave to the "I Feel Good" Trust to the firm of Kenneth Wingate. To protect Ms. Hynie.

The \$563,000 was in addition to Ken Wingate's 40% contingency.

TODAY - April 3, 2014, a year after *Wilson v. Dallas* – Mr. Wingate is *still* speaking for the State of South Carolina. Russell Bauknight, *still* claims to speak both for AG Wilson and Ms. Hynie in the Wingate Suit.

And Nexsen Pruet and Adams and Reese are being paid at an annual rate of about \$2 million a year to fight against (1) a plan to save the entire "I Feel Good" Trust; (2) the copyrights to its Royalties to more than 800 songs; AND (3) the HALF of James Brown's real heirs who will make the plan work.

I urge you not to waste another \$2 million this year. The problem can be solved in a matter of months for about \$200,000 – with very little legal costs. It is mostly a matter of pulling out the orders and motions pending when AG McMaster took over the operation of Brown's estate and Trust. Adams and Reese refuses to do that. But charge a quarter of a million dollars in 3 months. With nobody checking on it.

The plan is clear and simple. It will probably bring the Estate litigation to a close in less than a year – except for a possible appeal by Ms. Hynie. Of little concern. It is:

1. MAKE COPYRIGHT DEALS ONLY WITH THOSE NOT CHALLENGING THE WILL AND 2000 TRUST.

2. PROTECT THE BACKUP 1999 WILL & TRUST WHICH MAKE THE ESTATE PLAN IRONCLAD.

3. MAKE AGREEMENTS WITH NON-PRESUMED, DNA-PROVEN CHILDREN WHO WILL ACTIVELY SUPPORT THE ESTATE PLAN AND HAVE CHALLENGED MS HYNIE'S SPOUSE STATUS: Tonya (subject to Peebles DNA Protocol"); La Rhonda (now children); Nicole; Jeanette; James Curtis (subject to Peebles Protocol); Michael.

4. CONTRACT WITH ONLY HALF (Or Half + 1) of the Children:
That's all you need to protect the copyrights.

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5. ONLY CONTRACT WITH THOSE WHO ACCEPT REASONABLE OFFERS. DON'T BE RUSHED.

6. VOID THE 6-year old GAG ORDERS. YOU DON'T HAVE TO LOOK AT THE original HYNIE "DIARY". AG WILSON and loads of others have copies. And Forlando Brown and Albert Dallas have already discussed the contents in the media AND under oath in sworn statements/depositions. [Remember, everyone knows what the contents are. And two AGs never even complied with the Gag Orders by turning in their copies.]

7. DON'T REQUIRE JAMES B. TO TAKE A DNA TEST. JUST MOVE TO DISMISS HIS CLAIM BECAUSE HE DID NOT ATTACH A SUMMONS; FILED IT IN THE WRONG COURT; DID NOT SERVE THE AFFECTED HEIRS, AS REQUIRED; AND **IS NOT JAMES BROWN'S PRESUMED CHILD BECAUSE HE WAS NOT BORN OF ANY MARRIAGE.** And he did not even serve the Estate or 2000 Trust with a Summons and Complaint

(It will be his problem to decide whether he takes the DNA test. If so, do not let Adams and Reese disclaim knowledge of the chain of custody. Remember, James B's counsel has already announced once to the media that he passed a DNA test with improper chain of custody.)

The \$300 James B. problem, as a result of the action of Mr. Bauknight and two AG s – and now Adams and Reese – has been allowed to become a 7-year \$1 million dollar problem – at the expense of needy student beneficiaries of the "I Feel Good" Trust.

8. STOP WASTING HUNDREDS OF THOUSANDS OF DOLLARS TO FIGHT DNA-PROVEN AND ACKNOWLEDGED CHILDREN. [Instead, make them a fair offer. If they don't accept it, wait 6 months and make it again.]

9. MAKE THE FOLLOWING OFFERS in exchange for: (1) Termination Rights Cooperation; (2) Support of the 2000 Estate Plan; (3) and Support of the Estate/2000 Trust's position that James Brown died without a surviving spouse. [AND TR waived all claims even if a spouse.]

A. To the FIRST of DARYL or TERRY to accept: \$50,000 a year for life;

Ltr. to Attorney General Wilson and others

April 3, 2014

Page 4

B. To the SECOND of Daryl or TERRY, if he accepts within 30 days: \$20,000 a year for life.

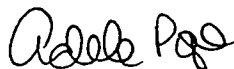
C. TO THE FIRST FOUR of Nicole, Jeanette, LaRhonda (now daughters), Michael PLUS any of James B., Tonya and James Curtis who take and pass DNA test under the Peoples DNA Protocol): \$20,000 per year for life.

There is simply no reason to pay \$2 million in legal fees each year to fight this simple, fair – and kind – way to save the “I Feel Good” Trust and allow that \$2 million to be flowing each year to scholarships for needy and deserving student beneficiaries of the “I Feel Good” Trust, as James Brown intended.

I am willing to help *pro bono publico* with saving the “I Feel Good” Trust. Please call on me if I can do that.

Thank you for your consideration.

Sincerely,



Adele J. Pope

AJP/ja

Enclosure: Excerpts, Motion filed by AG Wilson, TR Hynie, Terry Brown & others,
9/13/12

370

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SWEENEY WINGATE & BARROW P.A.

April 22, 2014

Reply to: Main Office

Mark V. Gende
(803) 256-2233 x7121
mvg@swblaw.com

VIA E-MAIL: adam@silvernailfirm.com

Adam T. Silvernail, Esquire
Law Office of Adam T. Silvernail, LLC
1901 Hampton Street
Post Office Box 1898
Columbia, SC 29202-1898

RE: Russell L. Bauknight, et al. v. Adele J. Pope
Civil Action No.: 2010-CP-40-04900
Our File: 4077-7389

Dear Adam:

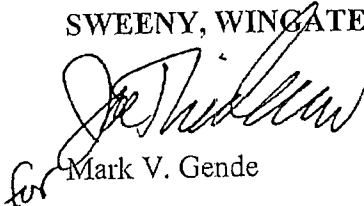
I am in receipt of your April 17, 2014 correspondence.

We oppose your attempting to take any depositions in this matter. You're well aware that the Supreme Court decision removing for cause Adele Pope as fiduciary from the estate of James Brown created potential conflicts among the group of clients that I represent. Furthermore, you are well aware that any of those potential conflicts can not be resolved until the Aiken County matters are decided with finality. This is why Judge Manning has not scheduled any hearings or activity in this case.

You will receive under separate cover our filing with the Court in which we move for a formal stay.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.



for Mark V. Gende

MVG/ljm

MAIN OFFICE: T • 803-256-2233 F • 803-256-9177 1515 LADY ST. (29201) • POST OFFICE BOX 12129 • COLUMBIA, SC 29211
PEE DEE OFFICE: T • 843-878-0390 F • 843-878-0393 115 CARGILL WAY • SUITE B • POST OFFICE BOX 88 • HARTSVILLE, SC 29551

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

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

NOTICE OF APPEAL

Appellant appeals the following Orders in the above matter:

1. ORDER DETERMINING PARTIES TO SEVERED OMITTED SPOUSE CLAIM, ELECTIVE SHARE CLAIM AND PRETERMITTED CHILD CLAIM of the Honorable Doyet A. Early, III dated February 7, 2014, attached hereto as Exhibit A.
2. ORDER DISMISSING CROSS-CLAIMS OF CINNAMON NICOLE PARRIS AND LaRHONDA PETTIT (Without Prejudice) of the Honorable Doyet A. Early, III dated January 8, 2014, attached hereto as Exhibit B.
3. ORDER SEVERING OMITTED SPOUSE CLAIM, ELECTIVE SHARE

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APR 01 2014

AIKEN COUNTY
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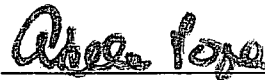
CLAIM, AND PRETERMITTED CHILD CLAIM of the Honorable Early, III dated December 16, 2013, attached hereto as Exhibit C.

4. Form 4 Order of the Honorable Doyet A. Early, III dated March 10, 2014, 2014, attached hereto as Exhibit D

5. Form 4 Order of the Honorable Doyet A. Early, III dated February 24, 2014, attached hereto as Exhibit E.

6. 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 which are the subject of an appeal pending in the South Carolina Court of Appeals, affecting Appellants.

A copy of each of said Orders received by Appellants is attached hereto and made part of this Notice of Appeal.



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

March 31, 2014

Other Parties or Counsel:

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619 Greene Street
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Augusta, Georgia 30903-1011

John F. Beach, Esquire
1501 Main Street, 5th Floor
Columbia, South Carolina 29201



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Estate of James Brown; 2008-CP-02-1649, 2007-ES-02-0056

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From: Early, Doyet A. Law Clerk \((Cassie M. Weathersbee)\)

Date:
1/7/2014

2:46:00 PM

To: Louis Levenson; S. Alan Medlin; mrosen@rosen-lawfirm.com; Chris B. Paton; Matt Bodman; davidbell@davidbelllawfirm.com; A. Peter Shahid Jr.; Steve Slotchiver; William W. Wilkins; David Black; Sonny Jones; Mary Frances Jowers; Jim Gilreath; Kendell Few; Tim McKissock; Buddy Dallas; Gene Covington; David Cannon; adele@popelawfirm.com; Bob Buchanan; James D. Bailey; WByrd@TurnerPadget.com; O. Cyrus Hinton; Rodney Peeples; Norm Jett; Knoepfle, Anita; <aknoepfle@aikencountysc.gov>; ; scott@k5law.com; wmgcpa@aol.com; John Beach; David Sojourner (David.Sojourner@arlaw.com\)

Please be advised that the below motions will still be heard Wednesday, January 8th at 1:30. Each side will have 15 minutes to argue each of the motions. Please let me know if you have any questions or concerns.

1) Motions to Determine Parties

2) Motion to Dismiss Michael Deon Brown's Motion for Determination as a Child and Intestate Heir or DNA-Proven Biological Heir of James Brown, submitted by John Beach November 26, 2013

3) Motion to Dismiss Cross-Claims and Bar Prayers for Relief of Cinnamon Nicole Mernickle Parris and LaRhonda Pettit, submitted by John Beach December 18, 2013.

Cassie Weathersbee, Esq.
Law Clerk to the Honorable D.A. Early, III
The Circuit Court of the 2nd Judicial Circuit

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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. 2014-000794

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

APPENDIX
TO
PETITION FOR REHEARING

Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar # 4501

Attorney for Appellants

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STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

) IN THE COURT OF COMMON PLEAS
) SECOND JUDICIAL CIRCUIT
)

IN RE: THE ESTATE OF JAMES BROWN
a/k/a JAMES JOSEPH BROWN

) Case No.: 2007-ES-02-0056
) Case No.: 2008-CP-02-1647
)
)

WITHDRAWAL OF WILL CONTEST

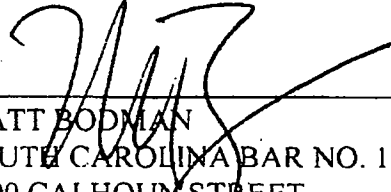
COMES NOW, Tonya Brown a/k/a Sarah Latonya Brown Fegan, by and through counsel, Matthew Bodman and David B. Bell, and notifies the Court that she withdraws any and all contest to the James Brown Will and Trust dated August 1, 2000. Tonya Brown further shows the Court that she supports the James Brown Will and Trust and believes that her grandfather, James Brown, had mental capacity to execute said Will and Trust and was not under any undue influence from any outside interest when the Will and Trust were signed.

So moved this 26 day of March, 2014.

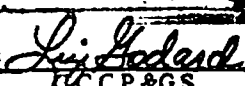


DAVID B. BELL

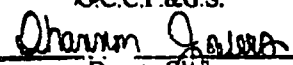
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MATT BODMAN
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(803) 806-8605
Counsel for Tonya Brown



Lij Hedard
C.C.P.&G.S.



Sharon G. Jones
Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

) IN THE COURT OF COMMON PLEAS
) SECOND JUDICIAL CIRCUIT
)

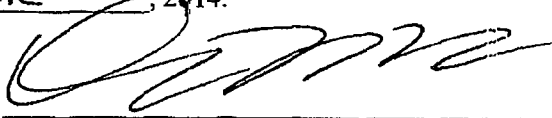
IN RE: THE ESTATE OF JAMES BROWN
a/k/a JAMES JOSEPH BROWN

) Case No.: 2007-ES-02-0056
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)
)

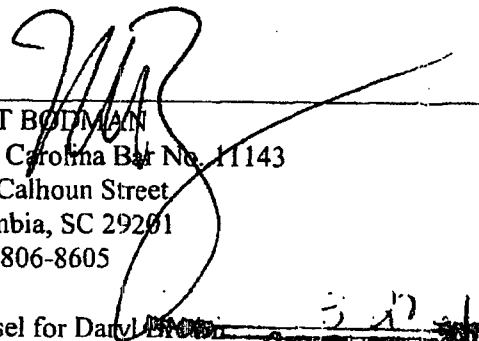
WITHDRAWAL OF CHALLENGE TO THE WILL

COMES NOW, Daryl Brown, a son named in the Last Will and Testament of James Brown, and withdraws any challenge to the Will and Trust filed by his prior attorney. Furthermore, he represents to the Court that he is now represented in all matters by Matthew Bodman and David B. Bell. As such, he supports the Will and Trust signed by his late father, James Brown.

This 26th day of March, 2014.

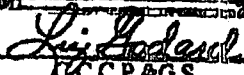


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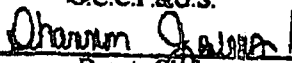


MATT BODMAN
South Carolina Bar No. 11143
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(803) 806-8605

Counsel for Daryl Brown



Lijie Bodard
C.C.P. & G.S.



Shannon G. Johnson
Deputy Clerk

STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

RECEIVED

The Honorable Doyet A. Early, III Circuit Court Judge SEP - 8 2014

S.C. Supreme Court

Case No. 2014-000794 (Order, S.C. Ct. App. filed August 29, 2014)

IN RE:

The Estate of James Brown, a/k/a James Joseph Brown

Henry Dargan McMaster, ... Plaintiff,*

v.

Daryl J. Brown, Lindsey Dolores Brown, Vanisha Brown, Larry Brown, Deanna J. Brown Thomas, Jason Brown Lewis, Yamma N. Brown, Sydney L., Carrington L., Tonya Brown, Terry Brown, Romunzo Brown, Tommy Rae Hynie Brown, James B., Jeanette Mitchell, Michael Deon Brown, Russell L. Bauknight, Adele Pope, David Sojourner, Lisa Sims, ... Defendants

Of whom 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, are the Petitioners,

and

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

PROOF OF SERVICE

I certify that on the 5th day of September, 2014, I have served the APPENDIX TO PETITION FOR WRIT OF CERTIORARI on Respondents as shown below by

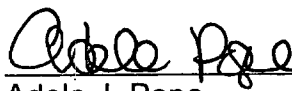
depositing a copy of same in the United States Mail, postage prepaid, addressed to them or their attorneys of record as follows:

John Donsbach, Esquire
David B. Bell, Esquire
Matthew D. Bodman, Esquire
504 Blackburn Drive
Augusta, Georgia 30907

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

Peter Shahid, Jr., Esquire
89 Broad Street
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c/o John F. Beach, Esquire
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Adele J. Pope
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S.C. Bar No. 4501
Attorney for Appellants

September 5, 2014

STATE OF SOUTH CAROLINA

In the Supreme Court

**APPEAL FROM AIKEN COUNTY
Court of Common Pleas**

The Honorable Doyet A. Early, III Circuit Court Judge

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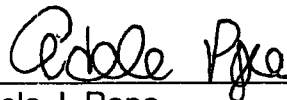
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Attorney for Appellants

September 5, 2014