



STATE OF SOUTH CAROLINA  
In the Court of Appeals

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OCT 08 2014

**SC Court of Appeals**

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2013-001649

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

v.

Albert H. Dallas and others .. Defendants.

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

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

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

IN RE:

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

**APPELLANT'S RETURN AND MEMORANDUM OPPOSING LETTER/MOTION  
OF ALBERT H. DALLAS DATED OCTOBER 3, 2014  
TO BE DISMISSED AS PARTY TO APPEAL**

Pursuant to Rules 240 and 267 SCACR, Appellant opposes the letter/  
motion of Respondent Albert H. Dallas dated October 3, 2014, a copy of which is  
attached as Exhibit A, to be dismissed as a party to this appeal. The request to

be denied for each of the following reasons:

1. Through no fault of his current counsel, the letter/motion of Mr. Dallas continues the fraud of Mr. Dallas and Respondent David Cannon on this and other Courts which began in 2007.
2. The letter/motion is not timely.
3. The letter/motion seeks a drastic result with no justification.
4. The letter/motion fails to conform to Rule240 SCACR.
5. Respondent Dallas is a party to a number of the fourteen cases in which the orders which are the subject of this appeal were issued, including Case 2007-CP-02-0122 ("Case 122") in which he has been a defendant since 2007 and Case 2008-CP-02-1646, which resulted in the decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E. 2d 746 (2013).
6. Respondent Dallas participated in this matter in the lower court.
7. Respondent Dallas and Russell L. Bauknight have colluded since 2010 in Case 2010-CP-40-4900 (the "Wingate Suit") and elsewhere.
8. Respondents Dallas and Cannon are jointly and severally liable to Appellant, Tressa T.H. Hayes and others under Order of April 8, 2008 of the Honorable Doyet A. Early, III, for costs of Case 122, about \$1.4 million which have not been paid.
9. Respondent Dallas is a necessary party because he seeks \$6 million in PR/Trustee commission claims which must be considered in light of the *Wilson v. Dallas* remand.
10. Respondents Dallas and Cannon are parties to Aiken Case 2008-CP-02-0322, where the Estate/2000 Trust is seeking damages for the \$13+ million misappropriated from James Brown between 1999 and 2006.
11. In 2014, on information and belief, Respondent Dallas and Mr. Bauknight colluded in an attempt to convert his \$6 million PR/Trustee commission to a claim for attorneys' fees without *Wilson* review.
12. Respondent Dallas is bound by Appellant's statement of the case.
13. Respondent Dallas is an essential party because he is a named PR/Trustee under the 1999 backup Will of James Brown, but refuses to present it for probate, confirming the Appellant's Section 62-7-405

standing. to enforce the "I Feel Good" Trust because the 1999 will is in jeopardy of becoming unenforceable under the 10-year rule.

This opposition to the letter motion is supported by the amended brief and reply brief of Appellant herein; Appellant's Reply filed herein on July 27, 2013; Appellant's Return to Petition of Matt Bodman, Esquire and David B. Bell, Esquire to Withdraw, dated July 29, 2014; and the memorandum set out below.

### **Memorandum Supporting Retention of Respondent Dallas as Party**

Respondent Dallas has been a central figure in the fraud on multiple courts since shortly after the death of James Brown on Christmas Day 2006. Within days, Mr. Dallas and Respondent Cannon fabricated a second Schedule B, making it appear that Brown's entire \$100 million fortune was in the 2000 Trust. They did so to escape court scrutiny of the \$17 million Respondent Cannon had taken from Brown and the \$3 million annual understatement to the IRS of Brown's income for approximately six years.

Case 122 was brought in January 2007 to remove Respondents Dallas and Cannon as PR/Trustees. In July they failed in an attempt to secretly transfer the "I Feel Good" Trust to Georgia as Appellant and Robert Buchanan were uncovering Respondent Cannon's takings.

The Attorney General was advised by the Estate's tax attorney William Hammond of the \$3 million annual understatement in August or September of 2007. Most of the \$17 million Cannon took was known by February 2008.

On April 8, 2008 the Honorable Doyet A. Early, III, ordered that Respondents Cannon and Dallas are jointly and severally liable for the attorneys'

fees and costs of Case 122, which was brought to remove them. The costs, including an appeal taken by Respondent Dallas, have not been paid, and are about \$1.4 million for 2007 and the 3-year appeal. The \$317,000 SA fee and costs awarded Mr. Buchanan and Appellant are part of this approximately \$1.4 million, as is the legal fee of Tressa T.H. Hayes, who handled the appeals of Respondents Cannon and Dallas through briefing, and Cannon through oral argument. They have not been paid, and the June 13, 2013 orders delay payment.

Respondent Dallas appealed the April 8, 2008 order, but abandoned the appeal in 2010. In 2010 he also filed bankruptcy in Georgia, claiming that his largest asset was the \$6 million PR/Trustee commission he was owed.

In October 2010 the Attorney General and Mr. Bauknight, acting under his now-void appointment, named Mr. Dallas as their witness against Mr. Buchanan and Appellant in the unconstitutional Wingate Suit.

The collusion among Respondents Dallas and Cannon, attorney Bell and Mr. Bauknight since 2010 is clear, but not fully explored because the Attorney General has refused to comply with the South Carolina Freedom of Information Act (FOIA) and Mr. Bauknight and Respondents Tommie Rae, James B., Terry Brown and others have interfered with FOIA by attempting to have all James Brown FOIA cases consolidated with the Wingate Suit and delayed indefinitely.

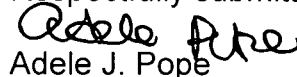
What is known is that none of the \$17 million Respondent Cannon took from funds Brown gave to needy students in his "I Feel Good" Foundation was recovered by Bauknight in his 4-year void tenure. When Respondent Cannon

entered an *Alford Plea* to some of his takings in 2011, Mr. Bauknight did not file a victims' statement or seek restitution, even though Mr. Cannon owned a \$1 million mansion in the Carribean. And after the June 13, 2013 orders Mr. Bauknight attempted to allow Mr. Dallas to convert his \$6 million PR/Trustee commission claim to a claim for legal fees.

### Conclusion

The Letter/Motion of Albert Dallas dated October 3, 2014 should be denied. Respondent Dallas is an essential party to this appeal. He has been a Respondent without motion to be removed for more than a year. He participated in the circuit court motion to alter, amend or vacate. He is a named party to a number of the fourteen cases in which the orders which are the subject of this appeal were issued. And his refusal to protect the 1999 backup will of James Brown supports Appellant's standing to protect the "I Feel Good" Trust under S.C. Trust Code Section 62-7-405.

Respectfully submitted,



Adele J. Pope

*Pro Se*

1228 Walnut Street

Newberry, South Carolina 29018

803-413-0753

[adele@popelawfirm.com](mailto:adele@popelawfirm.com)

*Bar No. 4501*

October 8, 2014

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APPEAL FROM AIKEN COUNTY  
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J. Brown Thomas and Robert L. Buchanan, Jr., are..... Additional Interested  
Persons.

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

**PROOF OF SERVICE**

I certify that on the 8<sup>th</sup> day of October, 2014, I have served the RETURN AND  
MEMORANDUM OPPOSING LETTER/MOTION OF ALBERT H. DALLAS DATED  
OCTOBER 3, 2014 TO BE DISMISSED AS PARTY TO APPEAL on the parties  
described below by depositing a copy of same in the United States Mail, postage  
prepaid, addressed to them or their attorneys of record as follows:

David G. Cannon  
P. O. Box 865  
Barnwell, SC 29812

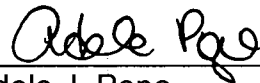
Eugene C. Covington, Jr., Esquire  
P. O. Box 2343  
Greenville, SC 29602

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

Tanya A. Gee, Esquire  
PO Drawer 2426  
Columbia, South Carolina 29202-2426

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

John A. Donsbach, Sr., Esquire  
504 Blackburn Drive  
Augusta, Georgia 30907



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1228 Walnut Street  
Newberry, South Carolina 29108  
Telephone: 803-413-0753  
Email: [adele@popelawfirm.com](mailto:adele@popelawfirm.com)  
S. C. Bar No. 4501  
*Pro Se*

October 8, 2014

Exhibit A

COVINGTON, PATRICK, HAGINS, STERN & LEWIS, P.A.

Eugene C. Covington, Jr.  
Douglas F. Patrick  
John A. Hagins, Jr.\*  
T. S. Stern, Jr.  
Stephen R. H. Lewis

211 Pettigru Street (29601)  
P. O. Box 2343  
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864.242.9000  
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\*Of Counsel

October 3, 2014

**RECEIVED**  
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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

**Re: In Re: The Estate of James Brown**  
**Appellate Case No. 2013-001649**


Dear Ms. Kitchings:

I am in receipt of Ms. Gee's letter of October 1, 2014 to you. I am in agreement with her position and explanation of the caption issue in the above-referenced appeal.

I am one of the attorneys of record representing Albert H. Dallas in 2010-CP-02-0721 and 2008-CP-02-1426. Neither of these cases are involved in this appeal to my knowledge. Mr. Dallas no longer occupies any fiduciary position in the Estate of James Brown and is not involved in this present appeal to the best of my knowledge.

I, therefore, concur that the present caption of the appeal does not reflect the proper parties.

Kindest regards,

  
Eugene C. Covington, Jr.  
Direct Dial: 864-240-5502  
Direct Fax: 864-240-5533  
[gcovington@covpatlaw.com](mailto:gcovington@covpatlaw.com)  
ECC/mkk  
Encl.

cc: Richard Ness, Esq.  
Norma Jett, Esq.  
H. Brent Fortson, Esq.  
William Newsome, Esq.  
Adele J. Pope, Esq.  
Robert N. Rosen, Esq.  
Albert P. Shahid, Jr., Esq.  
John A. Donsbach, Sr., Esq.  
David G. Cannon

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

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**SC Court of Appeals**

October 8, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Wilson v. Dallas  
Appellate Case No. 2013-001649

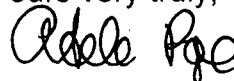
Dear Ms. Kitchings:

Enclosed please find an original and seven copies of my Return/Opposition to the Letter/Motion of Respondent Albert Dallas dated October 3, 2014, with an original and one copy of the proof of service.

Kindly return a copy of each in the enclosed, stamped envelope provided.

Thank you for your consideration.

Yours very truly,



Adele J. Pope  
Appellant, *Pro Se*  
S.C. Bar No. 4501

Enclosures

cc:

David G. Cannon  
Eugene C. Covington, Jr. Esquire  
Robert N. Rosen, Esquire  
Tanya A. Gee, Esquire  
Peter Shahid, Jr., Esquire  
John A. Donsbach, Sr., Esquire