

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

OCT 28 2014

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

**SC Court of Appeals**

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

Lower Court Case Nos. 2008-CP-02-1647; 2009-CP-02-1810; 2007-ES-02-0056

Appellate Case No. 2013-002582

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 the.....Appellant,

And Terry Brown, Forlando Brown, James B., David G. Cannon,  
Albert H. Dallas and Tommie Ray 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 a/k/a James Joseph Brown 2000  
Irrevocable Trust u/a/d August 1, 2000 Ex parte: Adele Pope,.....Appellant,

In Re: The Estate of James Brown a/k/a James Joseph Brown,.....Respondent.

**MOTION FOR COSTS**

In light of this Court's dismissal of Appellant Adele Pope's appeal and the  
Supreme Court's subsequent denial of her Petition for Writ of Certiorari, Respondent  
Russell L. Bauknight, the Personal Representative and Trustee of the Estate of James

Brown and 2000 Irrevocable Trust, files this motion for costs pursuant to Rule 222, SCACR. (“Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.”). As reflected in the attached itemized statement of costs, Respondent Bauknight requests **\$1,000.00** be taxed against Appellant Pope.

The Court of Appeals dismissed Pope’s appeal from the Circuit Court’s Interim Order temporarily appointing Bauknight as the Personal Representative and Trustee of the James Brown Estate and Trust, and temporarily appointing David C. Sojourner Jr. as Limited Special Administrator and Limited Special Trustee of the Estate and Trust. Although not a party to this proceeding in the Circuit Court, Pope filed a Notice of Appeal from the Interim Appointment Order. She represents no one. She has no legal interest in the James Brown Estate and Trust. Acting *pro se*, she asked this Court to provide her with the authority to challenge these appointments. This Court correctly dismissed the appeal for two independent reasons: (1) the Interim Appointment Order was not appealable, and (2) Pope lacked standing to appeal.

After this appeal was dismissed, Pope continued to file motions, including a motion for rehearing, a motion to hold the appeal in abeyance, and a petition for writ of certiorari. The Estate of James Brown spent significantly more than \$1,000 in attorney’s fees to respond to these filings. Funds that would otherwise be deposited into a scholarship reserve fund had to be directed to litigation costs in order to prevent Pope, a former fiduciary who was removed for cause, from further interfering in the Estate and Trust. Accordingly, Respondent Bauknight respectfully requests an award of \$1,000 to partially reimburse the Estate for attorney’s fees.

Respectfully submitted,

  
William W. Wilkins, SC Bar No. 6112  
J. David Black, SC Bar No. 68499  
Tanya A. Gee, SC Bar No. 70191  
NEXSEN PRUET, LLC  
1230 Main Street, Suite 700  
Post Office Drawer 2426  
Columbia South Carolina 29202  
(803) 771-8900 / (803) 727-1409  
[WWilkins@nexsenpruet.com](mailto:WWilkins@nexsenpruet.com)  
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Attorneys for Russell L. Bauknight, the  
Special Administrator of the Estate of  
James Brown and the Special Trustee of  
the James Brown August 1, 2000  
Irrevocable Trust Agreement

October 28, 2014

Columbia, South Carolina

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Brown Thomas and Robert L. Buchanan, Jr., are Additional Interested Persons.

In Re: The Estate of James Brown a/k/a James Joseph Brown 2000 Irrevocable Trust  
u/a/d August 1, 2000Ex parte: Adele Pope, Appellant,

In Re: The Estate of James Brown a/k/a James Joseph Brown, Respondent.

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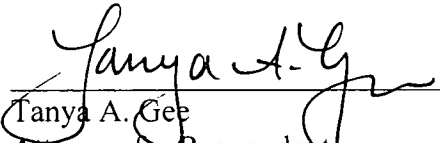
**ITEMIZED STATEMENT OF COSTS**

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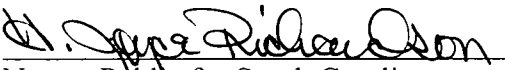
The South Carolina Court of Appeals is requested to tax the following costs  
against Appellant Adele Pope:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Attorney's Fee Provided by Rule 222(b), SCACR			\$1,000.00	
<b>Total</b>			<b>\$1,000.00</b>	

I, Tanya A. Gee, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was mailed to opposing counsel.

  
 Tanya A. Gee  
 Attorney for Respondent

Subscribed and sworn to before me  
 this 28<sup>th</sup> day of October 2014.

  
 Notary Public for South Carolina  
 My Commission Expires: 3-4-2014

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**PROOF OF SERVICE**

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The undersigned certifies that a copy of the foregoing **MOTION FOR COSTS**  
has been served upon counsel of record by depositing a copy of the same first-class

postage prepaid, in the United States Mail, on the 28<sup>th</sup> day of October, 2014, to the addresses shown below.

Adele J. Pope, Esquire 1228 Walnut Street Newberry, South Carolina 29108	Albert P. Shahid, Jr., Esquire 89 Broad Street Charleston, South Carolina 29401
Robert N. Rosen, Esquire S. Alan Medlin, Esquire 18 Broad Street, Suite 201 Charleston, South Carolina 29401	John A. Donsbach, Esquire DONSBACH & KING, LLC Post Office Box 212139 Martinez, Georgia 30917-2139
David B. Bell, Esquire LAW OFFICE OF DAVID B. BELL Post Office Box 1011 Augusta, Georgia 30903-1011	Matt Bodman MATT BODMAN, PA 1500 Calhoun Street Columbia, South Carolina 29201
Eugene C. Covington, Jr., Esquire Post Office Box 2343 Greenville, South Carolina 29602	David G. Cannon Post Office Box 864 Barnwell, South Carolina 29812

  
NEXSEN PRUET, LLC

Columbia, South Carolina

Tanya A. Gee  
Special Counsel

October 28, 2014

VIA HAND DELIVERY

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SC Court of Appeals

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

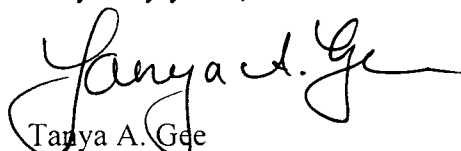
Re: Appellate Case No. 2013-002582

Dear Ms. Kitchings:

Enclosed for filing with the Court is an original and one copy of Respondent Russell L. Bauknight's **Motion For Costs** in the above-referenced matter along with my firm's check in the amount of \$25.00 for the motion filing fee. Please return the copy, clocked-in, to me via our courier.

Thank you for your assistance in this matter.

Very truly yours,



Tanya A. Gee

TAG/hjr

Enclosure

cc w/encl.:

- Adele J. Pope, Esquire
- Robert N. Rosen, Esquire
- David B. Bell, Esquire
- David G. Cannon
- Matt Bodman, Esquire
- John A. Donsbach, Sr., Esquire
- Albert P. Shahid, Jr., Esquire
- Eugene C. Covington, Jr., Esquire

- Charleston
- Charlotte
- Columbia**
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh