

STATE OF SOUTH CAROLINA

In the Court of Appeals

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OCT 31 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. 2014-002582

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.....Petitioner,

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.....Respondent

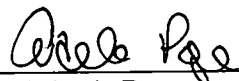
RETURN AND OBJECTION TO MOTION FOR COSTS

Appellant respectfully objects to the Motion for Costs of Russell L.

Bauknight, filed October 28, 2014 on the grounds that, to the extent, there are prevailing parties in this dismissal, they are Respondent Tommie Rae Hynie and her son James B. The taxation of costs is unjust because of the pending lawsuit the Attorney General, Ms. Hynie and Mr. Bauknight as agent for Respondent James B. continue against Appellant for conducting the appeal in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013); and it would be manifestly unjust in light of the hardship Appellant's faithful service under the Will of James Brown and to The James Brown "I Feel Good" Trust. Further; Mr. Bauknight is withholding Court-ordered payments the Estate and Trust should have paid Appellant for her service as Special Administrator in 2007; she has been paid nothing for her PR/Trustee service; she has not been paid any costs (other than Statutory Appellate costs) for the costs of the *Wilson v. Dallas* appeal; the Estate/2000 Trust has paid more than a \$1.5 million to others, with no review as mandated by *Wilson v. Dallas*; and Appellant has worked *pro bono publico* since May 8, 2013 to protect The James Brown "I Feel Good" Foundation.

This Return and Opposition is supported by the Affidavit of Adele J. Pope filed herewith and the briefs of Appellant filed in Appellate Case Nos. 2013-001649 and 2014-000250.

Respectfully submitted,



Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
803-413-0573
Adele@popelawfirm.com
S.C. Bar No. 4501

October 29, 2014

STATE OF SOUTH CAROLINA

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AFFIDAVIT OPPOSING TAXATION OF COSTS

PERSONALLY APPEARED BEFORE ME, Adele J. Pope, who, being duly

sworn, deposes and says:

1. Because of extraordinary circumstances of this appeal, and the fact that I have worked *pro bono publico* almost full time since May 8, 2013 to help enforce The James Brown "I Feel Good" Trust, which was dismembered by the Attorney General, Tommie Rae Hynie and others in a 2008 settlement voided by the Supreme Court on that day in its decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), I ask that there be no taxation of costs against me, as requested by Russell L. Bauknight.

2. The prevailing parties in this appeal were Tommie Rae Hynie and her son James B., although the decision was not a loss for me because it was based ~~solely~~^{principally} on the issue of standing.

3. Ms. Hynie, Attorney General Alan Wilson, and Mr. Bauknight as agent for Respondent James B., are suing me in Richland County Case 2010-CP-40-4900 for having conducted the appeal in *Wilson v. Dallas*, and part of my defense and counterclaim is that Ms. Hynie was not the spouse of James Brown. The dismissal will clarify that I am not bound by Aiken County findings in cases in which I have not been allowed to participate.

4. On June 13, 2013, approximately one month after *Wilson v. Dallas* was decided, the Honorable Doyet A. Early, III, without notice or hearing, directed that I be enjoined from participating in any James Brown estate or trust case. Judge Early also directed that my unheard motions be removed from the public record.

5. Because the Attorney General's and Ms. Hynie's joint suit against me, Richland County Case 2010-CP-40-4900, seeks tens of million of dollars, and they and James B. are all seeking relief from default after failing to answer our counterclaims, it was important for me to learn from the Court that I would not be bound by the findings

in the cases from which Judge Early has barred from participating.

6. In addition to the suit against me, James B., Ms. Hynie and the Attorney General have had a FOIA suit I brought in Newberry County transferred to Richland County and consolidated with their tort suit. I have asserted that Ms. Hynie and James B. have no right to interfere with my FOIA rights. Again, it was important for me to clarify that I could not be bound by findings in Aiken County where Judge Early refused to allow me to participate.

7. While the dismissal helped me know that my individual rights in the Attorney General's, Ms. Hynie's and James B's suit against me are not impaired, the loser in this dismissal are The James Brown "I Feel Good" Trust, and the needy students who should benefit from James Brown's many copyrights and the royalties they earn.

8. Neither Mr. Bauknight nor his appointee David Sojourner, Esquire, is protecting the more than 800 copyrights Brown gave the "I Feel Good" Trust.

9. Confirming that James Brown died without a surviving spouse will help protect those copyrights for the needy and deserving students, and the Estate and 2000 Trust should not be working against that goal.

10. Robert Buchanan, Jr. and I bore all of the costs of the 4-year appeal in *Wilson v. Dallas*. Almost eighteen months after that decision, despite the mandate that all fees and costs in relation to the case be reviewed, I have not been paid a penny for the costs of that appeal (other than statutory costs by the Appellate Court). I have not received a penny of PR or Trustee commissions for the entire period I served as PR/Trustee and protected the Will and "I Feel Good" Trust. And the Estate and 2000 Trust is even withholding approximately \$48,000 I was awarded by Judge Early on

January 8, 2008 for my services as Special Administrator in 2007.

11. While I have not been paid for my years of work, and still must defend myself and my reputation in the suit by the Attorney General, Ms. Hynie and Mr. Bauknight as agent for James B., Mr. Bauknight has paid out the following amounts in relation to *Wilson v. Dallas*:

- a. In 2012 \$563,000 to the law firm of Kenneth Wingate, in addition to a 40% contingency fee, for suing Mr. Buchanan and me;
- b. In 2013 about \$773,000 to Nexsen Pruet, Mr. Bauknight's law firm and the law firm for Attorney General Wilson's Legacy Trust;
- c. In 2013, for two months work, \$250,000 to the law firm of David Sojourner.

12. Claims by the Attorney General, and Mr. Bauknight as claimed agent for the Attorney General, that Mr. Buchanan and I committed the federal felony of intentionally overstating the value of Brown's worldwide music empire to the IRS by \$79 million on a sworn estate tax return – a federal felony – have threatened my livelihood and career.

13. Although the Supreme Court directed the Attorney General in its first *Wilson v. Dallas* decision to complete the tort lawsuit and FOIA matters in the first instance; and the Attorney General advised the Supreme Court in March 2013 he would do so, he had not done so. I am still being sued jointly by Respondent Hynie, the Attorney General and Mr. Bauknight as agent for James B.

14. In 2013 and 2014 counsel for the Attorney General, Ms. Hynie and Mr. Bauknight have asked the Richland County Court to delay their lawsuit, and the chance Mr. Buchanan and I have to repair our reputations and careers, until all James Brown matters are concluded in Aiken County.

15. Yet at the same time – including yesterday -- in Aiken County, Mr. Bauknight told Judge Early that the Estate should not pay me even the \$48,000 Judge Early awarded me in 2007 because the Richland County Court lawsuit against us, brought in 2010, is still pending.

16. In short, Mr. Buchanan and I are being punished by the Attorney General and by his trustee, Mr. Bauknight, for having done our duty to protect the "I Feel Good" Foundation, and for protecting ourselves from joint, scurrilous false claims made by Mr. Bauknight, Ms. Hynie, James B. and the Attorney General against us.

17. I incorporate my briefs in Appellate Case Nos. 2013-1649 and 2014-000250, and ask that the Court find that the Estate/2000 Trust is not the prevailing party; that Ms. Hynie and her son James B. are the prevailing parties; and that no costs should be taxed against me.

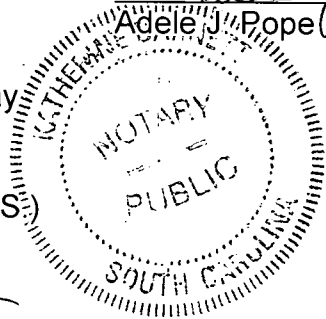
FURTHER DEPONENT SAYETH NOT.

Adele J. Pope
Adele J. Pope

SWORN TO BEFORE ME this ²⁹29th day
of October, 2014

[Signature] (U.S.)

Notary Public for South Carolina
My commission expires: 10/23/2022



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PROOF OF SERVICE

I certify that on the 30th day of October, 2014, I have served the RETURN
TO MOTION FOR COSTS in the above matter on Respondents as shown below
by hand delivery or by depositing a copy of same in the United States Mail, postage
prepaid, addressed to their attorneys of record as follows:

John. A. Donsbach, Esquire
Post Office Box 212139
Martinez, Georgia 30917-2139

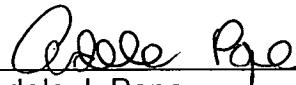
David G. Cannon
P. O. Box 865
Barnwell, SC 29812

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
William G. Newsome, Esquire
PO Drawer 2426
Columbia, South Carolina 29202-2426

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



Adele J. Pope
1228 Walnut Street
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Telephone: 803-413-0753
Email: adele@popelawfirm.com

Petitioner, *pro se*

October 30, 2014

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

October 29, 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

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Re: Wilson and Others v. Dallas and Others,
Aiken County Case No. 2008-CP-02-1647 and others
Appellate Case No. 2013-002582

Dear Ms. Kitchings:

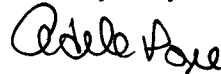
In connection with the above matter, enclosed please find:

1. Original and seven copies, Return to Motion for Costs
2. Original and sever copies, Affidavit of Adele J. Pope;
3. Original and one copy of proofs of service of each.

Kindly return a file-stamped copy of each in the stamped envelope which is provided.

Thank you for your assistance.

Yours very truly,

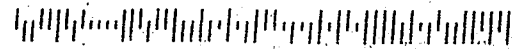


Adele J. Pope

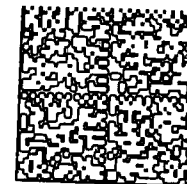
Enclosures

cc:

Counsel as shown on p=Proofs of Service



Newberry, South Carolina 29108



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