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THE STATE OF SOUTH CAROLINA  
IN THE Court of Appeals

**RECEIVED**

NOV 07 2014

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
**SC Court of Appeals**

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2013-000250

Adele J. Pope,.....Appellant,

v.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust;  
Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every  
current and former fiduciary status claimed or held as to the Estate of James  
Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

AND:

Robert L. Buchanan, Jr.,.....Interested Party.

**RETURN AND OPPOSITION TO MOTION TO STRIKE  
RECORD ON APPEAL**

Appellant files this Return and Opposition of the Motion of Russell  
L. Bauknight, Individually, to Strike the Record on Appeal in this Matter. A  
separate Return will be timely filed in opposition to the Motion of the Estate/2000  
Trust of James Brown.

The Motion to Strike the Record on Appeal should be denied because the  
Record on Appeal (ROA) was appropriately filed; Mr. Bauknight's two individual

attorneys were fully informed of the actions of Appellant at each step of the preparation of the ROA; one of the two documents complained of was designated by Mr. Bauknight, Individually; and the Motion to Strike continues Mr. Bauknight's 4-year use of funds James Brown gave to needy students in his "I Feel Good" charitable Foundation to cover up his own wrongdoing; his improper actions on behalf of the Attorney General of South Carolina, including the unconstitutional Case 2010-CP-40-4900 ("Case 4900") he commenced in 2010; his improper interference with the South Carolina Freedom of Information Act (FOIA); and his improper continuing service to Tommie Rae Hynie and her son James B. All of such actions are improper. All continue Mr. Bauknight's plan to damage, using funds Brown gave for needy students, anyone who dares to challenge the second dismembering of the "I Feel Good" Trust he and Ms. Hynie have been seeking to bring about since the May 8, 2013 decision in *Wilson v. Dallas* 403 S.C. 411, 743 S.E.2d 746 (2013)

### **The Designations Are Proper**

The creation of a Record on Appeal is a collaborative act. Appellant conferred with two attorneys representing Mr. Bauknight and three attorneys representing the Estate/2000 Trust throughout the process. The documents now complained of were fully explained to counsel for Mr. Bauknight, individually.

The partial Appendix about which Mr. Bauknight, individually, now complains, was his own designation. On July 29, 2014 Mr. Bauknight designated:

12. June 16, 2014 Supplemental Return to Letter/Motion filed by Appellant.

The document, actually filed June 17, 2014 was entitled:

SUPPLEMENTAL RETURN AND MEMORANDUM OPPOSING LETTER MOTION OF RUSSELL L. BAUKNIGHT, INDIVIDUALLY, TO BE DISMISSED AS PARTY TO THIS APPEAL; REQUESTING JUDICIAL NOTICE UNDER RULE 201(D), SCRE; AND REQUESTING CONSIDERATION OF DOCUMENTS AS TO WHICH BAUKNIGHT, INDIVIDUALLY, IS PREVENTING DISCLOSURE FOR BENEFIT OF TOMMIE RAE HYNIE

At the time of the filing, because there was no ROA, an Appendix was filed as part of the Supplemental Return.

There was not necessity for Appellant to consider a counter-designation because the Supplemental Return makes clear that the Appendix is part of it.

On page 5 of the Memorandum, ROA p.265, the Memorandum states:

The Court is also asked to consider as part of the record, and take judicial notice under Rule 201(d) of the documents in the Appendix and following documents which are within the public record, or otherwise public, and which Bauknight, individually, has secreted in three FOIA Suit [sic], the Wingate Suit; and Aiken County...

Again on page 7 of the Memorandum [ROA, p. 267.] the Memorandum states:

Pursuant to Rule 201(d) Plaintiff asks this Court to take judicial notice of filings in each of the cases referenced in the Appendix filed herewith, including but not limited to the sample documents filed therein. Under Rule 201(a) and (b) the fact that Bauknight took the actions stated are adjudicative facts because they are not subject to reasonable dispute in that they are...(2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. [ROA, p. 267]

The documents provided to the Court for judicial notice were an integral

part of the Memorandum. There was no basis for Appellant to counter-designate them. Mr. Bauknight, individually, had done so. The Index containing these documents was provided to counsel long before the ROA was finalized.

Mr. Bauknight also had no reason to complain – and did not complain -- about the designation of claim by the Estate/2000 Trust [ROA, pp. 441 and following pages]. His counsel made an inquiry about the item in September, and was told by email of Appellant dated September 30, 2014:

4. The Joint Affidavit is Bob's and my claim which was designated by the Estate/2000 Trust, meaning that I did not need to designate it. Our claim could actually have been considered to be the joint affidavit PLUS [a number of additional documents]...

I believe the Estate/2000 Trust concurs that the affidavit (with Exhibits) is what the Notice of Disallowance intended to disallow, and which was designated by the Estate/2000 Trust – so that I was not required to designate it.

Thereafter, until the ROA was filed, no further objection was made by Mr. Bauknight, individually.

#### **The Motion to Strike is Made in Bad Faith to Cause Hardship to Appellant**

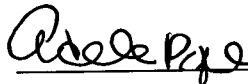
Mr. Bauknight paid \$773,000 to Nexsen Pruet in legal fees in 2013, from funds James Brown gave to needy students. He knows that objecting after the ROA was completed will cause financial hardship to Appellant. He is actively involved in attempting to deny Appellant's FOIA rights in two separate FOIA suits to cover up his wrongdoing. He has maintained for more than four years an illegal lawsuit against Appellant and Robert Buchanan, Jr. in which he claims to speak for the Attorney General of South Carolina, the Attorney General's Legacy

Trust and Ms. Hynie. Appellant incorporates in its entirety her Affidavit and the Complaint to explain the bad faith of Mr. Bauknight, individually, and his improper use of charitable funds to advance his individual goals.

**Conclusion**

The joint motion of Russell L. Bauknight and the Estate/2000 Trust to Strike the Record on Appeal should be denied. Should there actually be additional pages of the Memorandum/Appendix which Mr. Bauknight, individually, would like to designate, he should be allowed to do so, to be part of the supplemental ROA of approximately three pages inadvertently omitted from designations by the Estate/2000 Trust.

Adele J. Pope



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SC Bar No. 4501  
Appellant, *pro se*

November 7, 2014

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v.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust;  
Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every  
current and former fiduciary status claimed or held as to the Estate of James  
Brown and the James Brown 2000 Irrevocable Trust,..... Respondents,

AND:

Robert L. Buchanan, Jr.,..... Interested Party.

**PROOF OF SERVICE**

I certify that on the 7th day of November, 2014, I served the AFFIDAVIT  
OF ADELE J. POPE IN SUPPORT OF RETURN AND OPPOSITION TO MOTION  
TO STRIKE RECORD ON APPEAL on Respondents and on the Interested Party  
by hand-delivery, or by depositing a copy of same in the United States Mail,  
postage prepaid to them or their attorneys of record as follows:

William Newsome, Esquire  
Tanya A. Gee, Esquire  
J. David Black, Esquire  
William Wilkins, Esquire  
Nexsen Pruet  
1230 Main Street, Suite 700  
P.O. Box 2426

Columbia, South Carolina, 29202-2426  
Attorneys for Respondent Estate of James Brown  
and James Brown 2000 Irrevocable Trust

Sheila Bias, Esquire  
Frederick Crawford, Esquire  
Richardson, Plowden & Robinson, P.A.  
1900 Barnwell Street  
Columbia, South Carolina 29202  
Attorneys for Respondent Russell L. Bauknight, Individually

Robert L. Buchanan, Jr.  
212 Newberry St., NW  
Post Office Box 463  
Aiken, South Carolina 29802  
Interested Party



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S.C. Bar No. 4501  
*Pro Se*

November 7, 2014

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

November 7, 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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**SC Court of Appeals**

Re: Pope v. Estate of James and Others  
Appellate Case No. 2014-000250

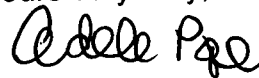
Dear Ms. Kitchings:

In connection with the above appeal, enclosed please find the following:

1. Original and six copies, Return and Opposition to Motion of Bauknight, Individually to Strike Record on Appeal;
2. Original and six copies, Affidavit of Adele J. Pope in Support of Return and Opposition to Motion of Bauknight, Individually, to Strike; and
3. Original and One Copy of Certificate of Service of each.

Kindly file the required number and return a file-stamped copy of each with the person who delivers these documents. Thank you.

Yours very truly,



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

Enclosures:

cc:

Tanya A. Gee, Esquire  
William W. Wilkins, Esquire  
J. David Black, Esquire  
William G. Newsome, III, Esquire  
Sheila M. Bias, Esquire  
Frederick A. Crawford, Esquire  
Robert L. Buchanan, Jr.