

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable Doyet A. Early, III Circuit Court Judge  
The Honorable Liz Godard, Clerk of Court

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Appellate Case No. 2013-001649

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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.

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**AMENDED BRIEF OF APPELLANT**

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## QUESTIONS PRESENTED

- I. **The June 13 Orders Violate the Due Process and First Amendment Rights of Appellant, Buchanan and others, and the Due Process, First Amendment and Equal Protection rights of Brown's Incarcerated Son Michael and Other heirs.**
- II. **The Attorney General's Withdrawal, Jeopardy to Brown's Backup 1999 Will, and the Threat to Brown's Royalty Copyrights by the State's Interference with the Proper Heirs Determination, Coupled with Their Commitment to the "I Feel Good" Foundation, Give Buchanan and Appellant Special Interest Standing under Section 62-7-405 to Enforce the "I Feel Good" Trust.**
- III. **The June 13 Orders Promote Fraud on the Courts and Damage to Appellant and the "I Feel Good" Foundation by Allowing Tommie Rae, the State/AG and Bauknight to Escape the Jurisdiction of the Richland County Court; Delay FOIA Compliance Indefinitely; and Prevent a Determination That Tommie Rae and James B. are not Brown's Heirs.**

## Statement of the Case

This is an appeal from three orders issued without notice or hearing on June 13, 2013 (the “June 13 Orders”). The June 13 Orders related to the estate and 2000 Trust of entertainer James Brown.<sup>1</sup>

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

Two of the June 13 Orders were issued by the Honorable Doyet A. Early, III (“Judge Early”). The third was issued by the Honorable Liz Godard, Clerk of Court for Aiken County. They were issued just a month after the final decision of the South Carolina Supreme Court (the “Supreme Court”) in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013).

The *Wilson v. Dallas* decision voided an August 10, 2008 contract between former Attorney General Henry McMaster (the “State/AG”) and others which was approved in modified form by Judge Early on May 26, 2009. [R. pp. 97,179,182]

The AG’s agreement gave 25% of Brown’s assets to Tommie Rae Hynie (“Tommie Rae”) and 25% to clients of Louis Levenson, Esquire (Levenson”).

The agreement also stipulated that Tommie Rae would be considered to be Brown’s spouse “for all purposes.”

On February 27, 2013, the first *Wilson v. Dallas* opinion was issued.

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<sup>1</sup> Appellant also appeals the Form 4 Order Denying her Motion to Alter, Amend or Vacate.

On March 14, 2013, the State/AG filed a Petition for Rehearing.

On May 8, 2013, the Supreme Court issued the final *Wilson v. Dallas* decision. Certain matters were remanded to the circuit court, including the appointment of fiduciaries in accordance with Brown's documents.

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

By May 25, 2013, three motions, all by Appellant, had been filed:

1. Motion for Expedited Relief to Protect The James Brown "I Feel Good" Trust ["Case 872"] [R. pp. 73-78]
2. Motion to Expedite Intervention; Add Parties; and Determine Commissions and Attorneys' Fees. [Dallas Claim Case] [R. pp. 80-83]
3. Motion for Scheduling Order and Appointment of Limited SA/ST to Comply with Mandate of Supreme Court Decision, *Wilson v. Dallas*. [R. pp. 84-91]

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 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. [R. pp. 29-31, 32-39, 27-28]

On June 24, 2013, Appellant hand-carried her motion for reconsideration

of the June 13 Order to be filed. The clerk advised Appellant that Judge Early had directed her not to accept any filings from Appellant except in the case filed June 10, Case 2013-CP-02-1337 ("Case 1337"). [R. pp. 96-158]

When Appellant explained to the Clerk that the motion did not relate to Case 1337, the clerk excused herself to make a phone call; returned; and allowed the motion to be filed.

On July 2, matters related to David Cannon and other matters came before Judge Early.

On July 2, 2013, Appellant asked Judge Early to require the release of fee agreements of Levenson, Bell, counsel for James B. and others which were the subject of a 2010 Order, but missing from the Clerk's office. [R. pp. 452-454]

On July 8, 2013, Bauknight presented to Judge Early an *ex parte* ethics opinion of Professor Nathan Crystal. [R. pp. 307]

On July 9, Appellant's motion to alter or amend was heard and the ethics opinion was mentioned. [R. pp. 280-321, 307] Appellant requested, but has not been provided a copy.

On July 10, 2013, Judge Early denied Appellant's Request to Alter or Amend in a Form 4 Order.

On July 29, 2013, Appellant filed her Notice of Appeal.

On August 1, 2013, Appellant filed a Motion and Memorandum to Circuit Court for Order Directing Delivery and Release of Documents to Appellant in this appeal with supporting documentation.

On February 21, 2014, Appellant filed her initial brief.

By Order dated May 8, 2014, the James Brown's estate and 2000 Trust were listed as Respondents in the Appeal. Russell L. Bauknight was permitted to file briefs and argue at oral argument on behalf of the Brown's estate and 2000 trust should any argument be held. [R. pp. 1-2]

By Order dated June 20, 2014, Appellant's motion to supplement and clarify the record was denied.

On July 7, Bauknight served his initial brief and a motion to strike certain designations of Plaintiff.

By Order dated August 6, 2014 Bauknight's motion to strike was granted, and an extension request of Appellant was denied. Appellant was directed to serve an amended initial brief and designation within fifteen days. Any initial reply brief was directed to be served and filed within twenty days of the order.

### **STATEMENT OF THE FACTS**

The Attorney General's first destruction of the "I Feel Good" Trust and pending second destruction have resulted from two troublesome alliances and a blatant claim that the assets of private foundations are the "attorney general's money."

Two Attorneys General developed and promoted for six years three false propositions that have twice threatened to ruin the "I Feel Good" Trust; have trampled on the rights of Brown's real heirs under the Federal Copyright Act ("FCA"); and have destroyed the careers and reputations of Appellant Adele Pope and Robert Buchanan, Jr. ("B&P"). They have deprived others seeking to enforce Brown's noble gift to needy students of a right to even approach the

table.

The Attorneys General have developed and relied on three problematic claims:

1. The false claim that B&P are incompetent intermeddlers who ousted the Cannon group to get a \$5 million commission.

[On a \$100 million estate in 2008; on a \$5 million estate in 2011]

2. The false claim that Tommie Rae and her son control the FCA termination rights; and Brown's royalties to 800 songs would be lost but for the 2008 settlement.

3. The false claim that Brown's music empire was worth \$4.7 million and B&P intentionally overstated its value for an improper purpose.

The June 13 Orders – make clear that the circuit court has accepted the above propositions. And it has added the “finding” that there must be a speedy resolution of all issues related to this magnificent but complex gift which Brown set up to last in perpetuity.

It is a rush to injustice.

The vitriolic attack by the State/AG against Buchanan and Pope which is now being reflected in the June 13 Orders began in the fall of 2008 when it became clear that Buchanan and Pope – like any fiduciaries doing their job – could not condone giving away half of Brown's “I Feel Good” Trust to a non-wife and about half of his children.

It remained veiled, however, until after Judge Early's May 26, 2009 Order.

By September 9, 2009, the State/AG and his appointee Bauknight were living up to their contract; “speaking as one” with Tommie Rae; and committed to destroying anyone standing in the way of the State takeover of Brown's private

assets.

On May 19, 2010, Wingate, as sole attorney for the State/AG, the Legacy Trust and a total of 15 Plaintiffs, sued Buchanan and Pope for tens of millions of dollars in claimed breaches of trust and breaches of fiduciary duty in the Wingate Suit.

B&P are also parties to a suit filed by grandson Forlando Brown in January 2008.

AG McMaster had left half of Brown's children out of the 2008 Settlement, namely:

- a. Daughter (1) Lisa from Brown's first marriage/divorce decree;
- b. DNA-proven and Acknowledged daughters (2) La Rhonda, (3) Jeanette; and (4) Nicole;
- c. (5) Michael (subject to the DNA test he was awaiting);
- d. Son (6) Daryl, who had repudiated the McMaster Settlement; and possibly one or more of the DOE Defendants in the Levenson Suit.

The "I Feel Good" Trust and all who have worked to save it are now threatened again by the very person on whom the State/AG conferred the extraordinary power of the State. And Bauknight still claims that power while working for Tommie Rae and her son.

Between May 4-6, 2011, Bauknight claimed the value of the music empire was less than \$4.7 million.

The State/AG moved to supplement the ROA in *Wilson v. Dallas* with the \$4.7 million appraisal.

The claim that Brown's nearly \$85 million in assets were worth \$4.7 million was simply something nobody making a record in the settlement hearings could have anticipated. The charts presented by B&P and testimony talk about the \$100 million less a debt to TIAA. Brown's royalties had consistently brought in \$3 million in revenues every year for at least 10 years. Brown earned \$18 million in road revenues from the Wm. Morris Company between 2003 and 2006. He was listed in 2007 as a *Forbes* top-earning dead celebrity. A Global Gaming contract was projected to earn \$1 million or more a year after the startup period.

The State/AG and Bauknight – who were suing B&P for not accepting a 2007 offer – told the Court emphatically that there had never been any offers.

The Supreme Court did not supplement the record. The "I Feel Good" foundation was saved. But Buchanan and Appellant's reputations for credibility were ruined. It didn't stop there.

From 2011 until 2013 the State/AG and Bauknight openly made the career-threatening accusation against B&P that they had intentionally overstated the value of music empire for the improper purpose of securing a \$5 million fee.

The State/AG chose to ignore that Sr. Assistant AG was present when the IP valuation formula for the estate tax return to be presented to the IRS was presented by motion (before B&P had any idea Dallas and Bradley would resign).

In its zeal to ruin B&P the State/AG claimed there was no basis for the \$84 million valuation. The State/AG ignored that Judge Early had specifically asked the AG to let him know within 10 days if he objected to the formula.

The State/AG chose to forget that a Senior Assistant AG had inquired about a \$100 million offer just two weeks after the IP valuation formula was presented to the court.

On October 31, 2011, Bauknight's lawyer's scurrilous remarks about B&P were reported in more than 330 media outlets.

Bauknight has claimed:

1. Tommie Rae's elective share claim was a "slam dunk;"
2. the Estate/2000 Trust has no corpus to speak of;
3. Termination Rights were all this case is about;
4. If Tommie Rae didn't control the Termination Rights, the other settling children did;
5. If the 2008 Settlement was not upheld there would be almost nothing in the 2000 Trust by 2023.

The State/AG and Bauknight had clear knowledge that:

1. Only half of Brown's real heirs were needed to secure the copyrights for decades.
2. Half of Brown's real heirs were intentionally excluded from the 2008 agreement, and their termination rights cooperation could be secured with respect and a fraction of what the AG proposed to give to Tommie Rae.
3. Bauknight was doing nothing to secure modest agreements with DNA-proven and acknowledged daughters LaRhonda, Jeanette and Nicole; daughter Lisa; or incarcerated son Michael for the "I Feel Good" Trust.

Having placed the mighty power of the State at the service of Tommie Rae, the State/AG fought to keep a clearly-unconstitutional gag order in place that Tommie Rae's own lawyer confirmed would do irreparable harm to her

claims.

Since May 8, 2013, Appellant has offered her expertise and service *pro bono publico* to help enforce the “I Feel Good” Trust as James Brown wanted.

Bauknight is still claiming to speak both on behalf of the State/AG and Tommie Rae and her son in the Wingate Suit and three unresolved FOIA Suits where public documents have been concealed for 3 years.

The vitriolic attack by the State/AG against Buchanan and Pope, which is now being reflected in the June 13 Orders, began in the fall of 2008 when it became clear that Buchanan and Pope – like any fiduciaries doing their job – could not condone giving away half of Brown’s “I Feel Good” Trust to a non-wife and about half of his children.

## Argument

I. **The June 13 Orders violate the Due Process and First Amendment Rights of Appellant and Others, and the Equal Protection Rights of Brown’s Incarcerated Son Michael and Others, Including Three DNA-Proven and Acknowledged Children.**

The Fifth Amendment to the United States Constitution provides, in part:

[N]or shall any person . . . be deprived of life, liberty, or property, without due process of law . . . .

Section One of the Fourteenth Amendment to the United States

Constitution provides, in part:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law . . . .

The due process clauses apply to "legal persons" (that is, corporate personhood) as well as to individuals. *Noble v. Union River Logging*, 147 U.S. 165 (1893). Under the SCTC the 2000 Trust and the "I Feel Good" Foundation, a subtrust of the 2000 Trust, are entitled to Due Process, as are Brown's heirs and Appellant. The "I Feel Good" Foundation may be enforced under SCTC Section 62-7-405 by persons other than the Settlor, AG and Trustee.

Appellant has earned her status to help enforce the "I Feel Good" Trust by study; by six years' experience; and by dedicating her time and expertise *pro bono publico* since May 8, 2013 in Aiken County cases where the "I Feel Good" Trust and the half of Brown's heirs not challenging the Brown's noble estate plan have been ignored for years.

Appellant's position in all of these projects is consistent with the protection of the "I Feel Good" Trust, and with her individual goal to restore her reputation and that of Buchanan. It is not inconsistent with her desire to be paid the contracted, court-approved amounts awarded her by unappealed Order of the Honorable Doyet A. Early, III dated January 8, 2008. [R. pp. 40-43]

The amounts payable under the Jan. 8 Order for her service to May 26, 2009, have been earning interest at the legal rate since 2009. They are being withheld by Bauknight because Appellant desires to see that Brown's music empire goes – as James Brown intended – to provide scholarships for needy students.

The amount payable to Buchanan under the Jan. 8 Order was withheld

until Bauknight and Wingate – purporting without authority to speak for the State/AG – extracted a release for Tommie Rae and a promise that he not protect the “I Feel Good” Trust in a Petition for Rehearing before the Supreme Court.

On August 10, 2008, the Attorney General contracted to join Tommie Rae and her son in attempting to defeat the interest of any heir not part of the deal he brokered.

For four years the State/AG and Bauknight, under claimed authority to act for the State, both ignored Brown’s real heirs, and intentionally misrepresented that the “settling parties” were Brown’s heirs. The State/AG simply deleted half or more of Brown’s proven or presumed heirs.

The State did not just damage those heirs. It damaged the “I Feel Good” Trust’s rights to protect the copyrights to Brown’s more than 800 songs by making termination rights agreements with the most compliant HALF of Brown’s heirs.

The State/AG and Bauknight, with knowledge to the contrary, told multiple courts that it made sense to pay Tommie Rae nearly \$25 million, and the Levenson clients another \$25 million, to secure termination rights agreements they could have secured from La Rhonda, Jeanette, Nicole, Michael, and Lisa for a tiny fraction of that amount.

This violated the Due Process rights of the heirs, the “I Feel Good” Trust, Appellant, Buchanan and others. It deprived the Estate/”I Feel Good” Trust of fair contracts. It deprived the heirs of the same property rights.

While no child of James Brown should receive any part of the music empire he gave to the "I Feel Good" Trust, all real children have an equal interest in the termination right under the Copyright Act.

While ignoring these real heirs, the State/AG sheltered a non-wife and the only claimed child born in the 22 years between Brown's vasectomy and death.

The State's action violated their Due Process and Equal Protection rights.

The protection of herself against a claim by non-spouse Tommie Rae will not only help Appellant and Buchanan, it will help the DNA-proven heirs and heirs seeking DNA testing.

The same is true of Appellant's protection of herself against James B.

The State's participation in the outrageous devaluation of Brown's music empire did not become a problem for B&P until it was used to accuse them of a felony. In about February of 2011 each received a document from the IRS suggesting that this was happening.

Neither created problems. Both, separately, wrote counsel for Bauknight and asked that counsel make sure their names were not associated with the \$4.7 value representation.

It was only after May 4, 2011 when the State/AG used the undervaluation to accuse B&P of a crime that it became necessary to speak up and protect themselves.

The June 13 Orders enjoin B&P, and others, from protecting themselves from these false felony claims lodged by the State and by Bauknight, acting for the State.

These improper orders are intended to – and do – damage the property rights of Appellant, the Heirs Bauknight has omitted; and others.

Even Appellant's "liberty" as defined in the Due Process clauses is threatened. Whether that term is applied to personal restraint or to the full range of conduct which the individual is free to pursue, Appellant's liberty has been threatened by the June 13 Orders, coupled with the false felony claim Bauknight is still lodging in the name of the State. There is no proper governmental objective for this attack on someone who has spent nearly seven years in loyal service to the estate and estate plan of James Brown.

The June 13 Orders violate Appellant's procedural due process. They have not been generated by an unbiased tribunal. They were issued with no notice, and no reason. They enjoin Appellant from her right to be heard and her right to practice her profession. There is no evidence to support them. There has been no right to cross-examine adverse parties. They are not based on the evidence presented, for there was none. There is no evidence on which to base the broad mandate that B&P and others will be enjoined from participation.

The *Wilson v. Dallas* decision simply cannot be read to say that Appellant and Buchanan may not represent parties in the James Brown cases; or that they are not interested persons even though they were sued by the Estate/2000 Trust and beneficiaries in other courts.

During the course of the *Wilson v. Dallas* appeal, by study and on-the-job training, Appellant, who was admitted as an expert without question in the settlement hearing, has become an expert in the interrelationship between state

probate law and the FCA termination provision. Nothing in the *Wilson v. Dallas* decision suggests that she may be enjoined from offering those services – either *pro bono publico*, as she has since May 8, 2013, or for pay.

In addition the 1999 backup will is in jeopardy of being rejected under the 10-year rule of SCPC Section 62-3-108(A)(1) if not protected.

Appellant has the time, ability, interest and statutory right as a creditor/other to submit the 1999 Will for alternate probate before it is too late.

The June 13 Orders deny her that fundamental right.

And the June 13 Orders, by direction to the clerk to remove documents from the public record and not accept filings, violate fundamental fairness.

### **First Amendment Rights**

The First Amendment provides in part :

Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The June 13 Orders enjoin Appellant and others who support the “I Feel Good” Trust from un gagging Appellant and others from the 6-year old Hynie “Diary” Gag Orders. They are a clear violation of the First Amendment prohibition of prior restraints on free speech.

### **Equal Protection Issues**

The State/AG's active participation in the selection of James B., a non-presumed heir, and its contract to join with Tommie Rae and James B. to defeat the interest of all other heirs and claimed heirs, was manifestly unjust, and has

been declared void. It violated the equal protection rights of Brown's real heirs.

Yet Judge Early's order issues an injunction against a person committed to a proper determination of heirs.

Michael, La Rhonda, Lisa, Jeanette, and Nicole have exactly the same rights as presumed children Deanna and Yamma. They have higher rights than James B., who has enjoyed a GAL for 6 ½ year even though he refuses DNA testing under the estate's protocol.

The June 13 Orders and the continued service of Bauknight in the Wingate Suit have kept the State/AG at the service of Tommie Rae and James B. for too long.

The June 13 Orders should be declared void as issued entirely without Due Process and violating Equal Protection and First Amendment rights. Appellant should be free to participate in any James Brown case where the "I Feel Good" Trust, or she, is entitled to protection. The same should apply to Buchanan and others damaged by the June 13 Orders.

**II. As a Result of the Attorney General's Withdrawal, the Jeopardy Faced by the 1999 Backup Will, and the Threat to Brown's Royalty Copyrights, Appellant and Buchanan, in Addition to Their Individual Rights, have Special Interest Standing under Section 62-7-405 to Enforce the "I Feel Good" Trust.**

The June 13 Orders have allowed Bauknight, Tommie Rae and James B. to escape the consequences of the May 19, 2010 Wingate Suit they brought for one purpose: to destroy Buchanan and Appellant, forcing them to abandon the *Wilson v. Dallas* appeal.

On May 29, 2013, the AG announced his intention to withdraw from the Aiken Cases.

Buchanan and Appellant remain the *only* two proponents of Brown's backup 1999 will. Appellant, Buchanan and all other creditors who have supported the "I Feel Good" Trust have a right as creditors under Section 62-3-804 to submit and support the 1999 Will. If they are not allowed to do so, the 10-year rule of the S.C. Probate Code will make the 1999 Will void.

In the face of this secrecy and destruction, the AG has dropped out of the Aiken cases. There could not possibly be a more apt time for Appellant and others to be allowed to step in under Section 62-7-405 to enforce the "I Feel Good" Trust.

By State action, including the June 13 Orders, Brown's noble gift is at greater risk than before. The June 13 Orders have shut out everyone who dares to challenge the second proposed takeover and dismembering of the "I Feel Good" Trust.

**III. The June 13 Orders Promote Fraud on the Courts by Overlooking That the Richland County Court has Jurisdiction to Direct FOIA Compliance; to Determine that Tommie Rae and James B. are Not Brown's Heirs; and to Confirm That Bauknight – Not Buchanan and Appellant – Misrepresented the Value of Brown's Music Empire.**

26 USC §7206(1) provides that a person who willfully makes and subscribes, under penalty of perjury, any return, statement, or other document, which he/she does not believe to be true and correct as to every material matter, has committed a criminal offense.

An intentional \$79 million overstatement of value on an estate tax return, for an improper purpose, violates Section 7206.

It did not happen. Buchanan and Appellant properly valued Brown's music empire on the estate tax return at close to \$85 million. They did so based on voluminous information; a formula presented to the Court before they became PR/Trustees, to which the AG made no objection; and a clear record that Brown had earned \$3 million a year in major royalties for a decade and \$18 million between 2003 and 2006 in road revenues.

The road revenues stood as a testament to this value.

While Brown's original trustees had numerous problems, their valuation of Brown's assets at \$100 million based on an October 2007 offer made by TJBL was entirely sound. The sworn I&A of now-deceased PR Al Bradley and Respondent Dallas was prepared by tax attorney, William Hammond, Esq.

This unprecedented \$4.7 million claim by the office of the State official charged with tax enforcement was shocking in light of overwhelming evidence to the contrary.

Coupled with support for a non-wife and sheltering a non-presumed son from DNA testing, these acts have lead to repeated misstatements, which the State/AG has either made or condoned, in multiple courts.

The June 13 Orders simply ignore the Code and Due Process rights of Appellant and Buchanan to protect themselves against these false claims.

The Court should void the June 13 Orders and direct that the Wingate Suit and FOIA Suits be concluded prior to proceeding with any determination of

heirs or validity of the estate plan in Aiken County.

The Court should hold that when the validity of the Will and 2000 Trust and heirs proceedings go forward, Appellant has a right to participate, not only as an affected creditor, to protect herself, but also as a GAL; as a creditor seeking probate of the 1999 backup will; as or an "other" under the S.C. Trust Code; or as an expert or in any capacity consistent with enforcement of the "I Feel Good" Trust. The Court should hold that Appellant has a right to represent any heir, devisee or other Interested Person, so long as it does not conflict with her prior PR/Trustee service.

The Court should hold that Buchanan and others have those same rights.

The June 13 Orders violate Appellant's right to defend herself against these false claims in any James Brown case where the value of the Estate/2000 Trust is an issue.

The code provides for notice to interested persons where their property interest is affected. Here, both liberty and property are affected.

### **Conclusion**

For the reasons stated herein, and found within the record, the June 13 Orders, having been issued without notice or hearing, should be vacated.

The Court should confirm that the replacement of Buchanan and Pope does not deny them the right to participate in James Brown estate and trust cases. It does not deny them the right serve the Estate, 2000 Trust or any person or entity, as attorney, GAL, or in any other capacity.

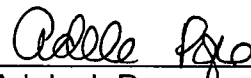
The Court should further find that, as creditors affected by any heirs

determination, they have a right to proceed. Further Appellant and Buchanan have special interest standing under SCTC Section 62-7-405 to help enforce the "I Feel Good" Trust as embodied in the 2000 estate plan and 1999 backup will. They have earned that standing by years of service to the "I Feel Good" Trust; study; and experience.

The Court should also find that the appropriate manner for determining all non-presumed heirs of James Brown, which affects substantial rights, is by testing under the Peoples DNA Protocol. It should find that James B., or any non-presumed heir who fails the Peoples DNA Protocol, should be dismissed as a party. Any heir who passes is a necessary party to any proceeding which might dilute their interests under the Federal Copyright Act.

This Court should also find that, because the maximum number of correctly determined heirs benefits the "I Feel Good" Trust, Appellant, under Section 405, has the right to participate in any proceeding to determine the heir status of Tommie Rae, James B. or any other person.

Respectfully Submitted,



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