

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

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

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OCT 22 2014

Appellate Case No. 2013-001649

SC Court of Appeals

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.

REPLY BRIEF AS TO BRIEF OF ESTATE/2000 TRUST (BAUKNIGHT)

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ISSUES IN REPLY

- I. Appellant Has Standing to Appeal for Herself and Others.
- II. The Attorney General and Bauknight Continue to Violate Appellant's Due Process Rights and *Wilson v. Dallas*.
- III. Ordering Appellant's Filings Removed from the Public Record, Directing Future Filings to be Rejected, and Enjoining Appellant from Protecting Herself in Lawsuits the Estate, the Attorney General and Respondent Forlando Brown Brought Against Her Violates Appellant's Due Process Rights.
- IV. Fraud in the James Brown Cases Threatens Appellant, the "I Feel Good" Foundation and Private Philanthropy in South Carolina.

INTRODUCTION

Appellant seeks to reverse three orders issued by the Honorable Doyet A. Early, III and the Aiken Clerk of Court on June 13, 2013 (the "June 13 Orders").

The June 13 Orders advance the stated plan of Tommie Rae Hynie ("Tommie Rae") and Louis Levenson, Esquire ("Levenson") to defy the decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013), and reinstate a 2008 settlement brokered by Attorney General Henry McMaster which dismembered the "I Feel Good" Foundation established by entertainer James Brown. The McMaster settlement was voided by *Wilson v. Dallas*.

The June 13 Orders violate Appellant's Due Process, First Amendment and FOIA rights, as well as her rights under the South Carolina Probate Code and Trust Code. They ban Appellant and Robert Buchanan, Jr. from James Brown cases. They direct the clerk to remove Appellant's unheard motions from the public record. They direct the Clerk not to accept motions filed by Appellant

in James Brown cases. Appellant and Buchanan are laid bare in lawsuits previously filed against them by the Attorney General, the Estate and others.

The June 13 Orders should be declared void. So long as Appellant's FOIA rights are being denied; Tommie Rae and the Attorney General are allied as plaintiffs against her; and her claims and counterclaims in the Wingate Suit, and elsewhere, remain unresolved, Appellant has a right to participate in any James Brown case which affects her rights: Robert Buchanan, Jr., and the half of Brown's heirs the Attorney General chose to ignore in four years of court filings, should enjoy those same rights.

REPLY TO BAUKNIGHT'S COUNTER-STATEMENT OF THE CASE AND FACTS

Appellant rejects all statements and conclusions in the Bauknight brief not specifically consented to herein. She asks the Court to note that only Bauknight, not the six other Respondents, filed a brief¹.

Many facts claimed in Bauknight's brief lack support in the record. A number are inconsistent with the Estate/2000 Trust's position at all times except during Bauknight's appointment, which was declared void in *Wilson v. Dallas*.

Some, such as the GRAMMY withdrawal claim,² arose from the fraud of

¹

Appellant adopts and incorporates herein the facts in her brief and in her motion to alter, amend or void the June 13 Orders, [R. pp. 169-181], and the memorandum filed with it, [R. pp. 182-217].

²

The false GRAMMY claim was part of the sabotage of the Christie's sale, with intent to blame it on Buchanan and Appellant, begun in July 2008 by David Bell, Esq. ("Bell"), Respondent Forlando Brown ("Forlando") and Respondent Albert Dallas ("Dallas"). See Filing by Dallas, S. C. Court of Appeals, July 8, 2008, Case

Respondents Dallas, David Bell, Esquire (“Bell”) and Forlando Brown (“Forlando”). [R. pp. 436-437]

Some of the incorrect facts and conclusions are addressed in this reply.

ARGUMENT IN REPLY

I. Appellant Has Standing to Appeal for herself and others.

A. Appellant’s standing is supported by the Constitution and Statutes.

Bauknight claims on pages 8 through 12, and throughout the brief that Appellant lacks standing to appeal either for herself or others. This is not the case. On July 9, 2013, Appellant stated in part:³

MS POPE: Case 1647 was appealed by Bob Buchanan and me to the Supreme Court of South Carolina... We did the duty Your Honor appointed us to do even though neither of us had sought that appointment...

122. [R. pp. 436-437]

The GRAMMY, without objection, had been directed to be sold by Judge Early in his April 1, 2008 Order. It was No.168 in the Christie’s catalogue filed with the Court of Appeals in connection with the Dallas filings.

The Attorney General, Christie’s and the Estate/2000 Trust all asked the Court of Appeals to direct the Christie’s sale to proceed. It was ordered to proceed on July 14, 2008.

Over the urging of Christie’s counsel that it remain in the sale, the GRAMMY was withdrawn without penalty by Buchanan and Appellant on July 17, 2008.

The website of Kilpatrick Stockton (KP), a firm associated with Bell, published the false claim that a KP attorney had forced the withdrawal of the GRAMMY. The *Wilson v. Dallas* decision reflects the incorrect KP version.

3

The text of Appellant’s statement is annotated with references to the S.C. Probate Code (“Probate Code” or “SCPC”) and S.C. Trust code (“Trust Code” or “SCTC”) and the Record.

The Supreme Court on May 8th agreed and overturned the settlement, and it gave everything else we sought except our continued service as fiduciaries. As it stands now, nobody is looking after the interests of the estate of James Brown.

For that and other reasons set out in my memos⁴, Bob and I have standing to be in this case and in every James Brown case that affects the legitimacy of James Brown's estate plan or our claims as its former fiduciaries...

I ask the Court to acknowledge that it has no jurisdiction to control the schedules or the outcome of [the Wingate Suit].⁵

Four years ago in your order dated April 8th, 2008...[You] went on to say: This court finds that Buchanan and Pope were properly appointed, have properly performed and should continue in both capacities.

I do not believe, Your Honor, that you, nor Bob, nor I could have anticipated that one of the twists and turns that would occur would be that three years later a private attorney speaking for the State of South Carolina would tell a Richland County Court that your April 8th Order was mere victor [sic] ⁶

I don't believe Your Honor, or we, would have anticipated that the attorney general would work for four years to secure 20 million dollars of fees and commissions for Mr. Bauknight and the attorneys involved in the settlement, taking it from the I Feel Good Foundation...

It can be traced to March 15, 2010⁷, That was the day Your Honor ordered the Clerk of Court to deliver to Bob and me the fee arrangements of Mr. Bauknight and all of the attorneys for the settling parties. Those fee

4

Affidavit of Adele J. Pope dated July 3, 2013 [R. pp. 426-446; 396-425]

5

Richland County Case 2012-CP-40-4900, commenced against Buchanan and Appellant on May 19, 2010, is called "Case 4900" and the "Wingate Suit".

6

Appellant said "dicta."

⁷ See Order of the Hon. Doyet A Early, III dtd. 3/15/10.

arrangements you directed the clerk to deliver us were not in the clerk's office. They are not in the clerk's office today.

The attorney general will not release them. The attorneys will not release them. If details of the 20 million dollars that Attorney General Wilson's predecessor thought it was okay to pay Mr. Bauknight and all those attorneys ...had been released back in 2010, maybe the attorney general would not have been so quick to call Bob Buchanan a felon because he asked for a 2.1 million dollar commission for five and a half years of valuable service to the I Feel Good Trust.

Maybe he would not have accused me of being a felon for asking for a fair fee for defending the I Feel Good Foundation for five and a half years against Tommie Rae's lawyers, against seven taxpayer-paid lawyers working for the attorney general, and against about 35 more lawyers seeking to feed on the carcass of the I Feel Good Foundation and the scholarships for needy children they were trying to destroy⁸.

They [the June 13 Orders] prevent Bob and me from restoring our careers and our reputations. They prevent me from defending against the false claims of the Attorney General of South Carolina, They even threaten my liberty where the State's highest criminal officer has falsely accused me of being a federal felon.

Your Honor, I do have standing to protect myself in this court and all other courts. I have the right to file motions and have them heard without Your Honor or any other judge directing that they be stricken from the public record before they are heard.

I have the right to be ungagged or at least to seek to be ungagged from your Honor's five-year-old gag orders issued with no hearing and without supporting affidavits.

I have this standing based on the Fifth, the First, and the 14th Amendments of the Constitution of the United States of America⁹ that governs you and me and every citizen of this state.

8

More than 90 attorneys who worked to secure millions for their clients from the music empire Brown gave to the "I Feel Good" Trust. The Attorney General and Bauknight claim the music empire was worth only \$4.7 million at Brown's death.

⁹ See: U.S. Const., Amend I, IV, & XIV.

I also have some plain old standing under the probate code. I am an interested person.¹⁰ I am a creditor with rights.¹¹ [R. pp. 282-290]

B. Appellant's Right to Speak for Buchanan and Others is Clear.

On pages 8 through 12 and of the brief, Bauknight asserts Appellant has no statutory, constitutional or public interest standing to speak for others. He also argues on pages 11 and 12 that the Court lacks jurisdiction to consider Appellant's arguments on behalf of others, and that she is collaterally estopped to speak out to protect the "I Feel Good" Foundation. This is incorrect. Appellant's appeal is timely and no portion has been abandoned.

The Constitution, the Probate Code and the Trust Code give Appellant standing to speak in this appeal for Robert Buchanan, Jr.

Appellant has the right to speak for others who seek to enforce the "I Feel Good" Trust and know that the alliance of Bauknight, the Attorney General and Tommie Rae damages the "I Feel Good" Trust's ability to protect its copyrights to more than 800 songs. These include DNA-proven heirs LaRhonda,¹² Nicole, Jeanette, and Michael; daughter Lisa from Brown's first

¹⁰

See South Carolina Probate Code §62-1-201(23) for creditor.

¹¹

See Section 62-3-804 for right of creditor to submit 1999 Will for Probate.

¹²

La Rhonda was acknowledged by the Estate/2000 Trust after she passed the official Peoples DNA Protocol in 2007. Under the Federal Copyright Act ("FCA"), La Rhonda, until her death, had the same rights as Brown's presumed children and other DNA-proven children. Her children (jointly) now hold La Rhonda's rights under the FCA. Provided it is confirmed in a State Law Proceeding that James Brown died without a spouse, La Rhonda's children are part of the HALF (or half +1) of Brown's real heirs not challenging the estate plan with whom

marriage; and others such as James Curtis deprived of the right to be tested under the Estate's official Peeples DNA Protocol.

Appellant can speak for Buchanan because in 2012 the Attorney General refused to pay Buchanan funds he had been awarded in 2008 until he extracted a secret agreement that Buchanan would not protect either the "I Feel Good" Foundation or himself in a petition for rehearing in *Wilson v. Dallas*. That unconscionable requirement forced on Buchanan by the public official charged with protecting charities is the subject of a motion to be declared void in the Wingate Suit.¹³ But the Attorney General and Bauknight have asked the circuit court not to hold that, or any other, hearing in the Wingate Suit until all James Brown matters are concluded. [R. p. 445]

Appellant has standing on multiple grounds, as articulated above and

contracts to save the "I Feel Good" Trust's Copyrights to 800 songs could have been made inexpensively in 2008, and should be made now. They include any 5 or 6 of:

1. Daryl - presumed ONLY in will he formerly challenged, but is now supporting.
2. La Rhonda's Children
3. Jeanette (DNA-proven and acknowledged)
4. Nicole (DNA-proven and acknowledged)
5. Michael Deon Brown (incarcerated)
6. Lisa - presumed daughter recognized in James Brown's first divorce

OR, if someone above does not agree, least expensive one of the following IF they pass the Peeples DNA Protocol AND withdraw challenges to the estate plan: James B.; James Curtis; or any other DOE Defendant in Case 2008-CP-02 -0872.

¹³

Richland County Case 2010-CP-40-4900. The Wingate Suit is also called "Case 4900."

argued in her brief. It rests under the Constitution; her Probate Code status as a creditor and Counterclaimant in the Wingate Suit; and her rights as a creditor to seek probate of the 1999 backup will Bauknight and the Attorney General have placed in jeopardy of the 10-year rule.¹⁴ It rests on the violation of her FOIA rights.

Bauknight's claim that no statute supports Appellant's right to speak for others also ignores the Probate Code's virtual representation provisions. Section 62-1-403 provides as follows:

(iii) A minor or unborn or unascertained person who is not otherwise represented is bound by an order to the extent his interest is adequately represented by another party having a substantially identical interest in the proceeding.

This section endorses Appellant's right to speak on the narrow issue of whether the June 13 Orders should be reversed for any heirs, or devisees under the 2000 Will with whom she is not in conflict in the following material positions:

1. Tommie Rae was not Brown's spouse and a State Court proceeding is necessary to correct the record.
2. All persons with property rights affected by the outcome have a right to participate in the Tommie Rae and James B. proceedings.
3. The Attorney General's continuing alliance with Tommie Rae is manifestly unjust.
4. The HALF of Brown real heirs the Attorney General chose to ignore have a right to fair treatment, and a right to contract with the Estate IF they

¹⁴

Under Probate Code Section 62-3-108 a Will may not be submitted for probate (except in situations not applicable here) more than 10 year after the death of a decedent. Two successive wills a year apart leaving the music empire to the "I Feel Good" Foundation make Brown's estate plan ironclad.

are part of the first, and least expensive, HALF to cooperate on termination rights issues (and are not challenging the "I Feel Good" Trust).

5. The Attorney General's 2008 contract with Tommie Rae to defeat the heirs status half of Brown's real heirs, violated Due Process rights.
6. If James B. passes the Peoples DNA Protocol, has no greater rights than other non-presumed heirs excluded from Brown's will.

Appellant and the others are all interested persons under Section 62-1-201(23); aggrieved by the June 13 Orders; and have property rights affected by the Orders. None was given a fair opportunity to protest or appeal. Saving what should now be a \$91 million foundation which provides scholarships to needy students is of public importance.

The Probate Code's virtual representation provisions lend additional support to Appellant's right to speak for Buchanan and others in this appeal.

II. The Attorney General and Bauknight Continue to Violate Appellant's Due Process Rights and *Wilson v. Dallas*.

On pages 13 and 14 Bauknight claims that there have been no Due Process violations. This is not correct.

The Due Process violations of half of Brown's real heirs, and damage to the "I Feel Good" Trust, began on August 10, 2008 when the Attorney General agreed to stipulate that non-wife Tommie Rae was Brown's spouse - and to join with her to defeat the status of all who were not part of his settlement.

The Due Process violations as to Buchanan and Pope began on May 19, 2010 with the filing of the unconstitutional Wingate Suit. [R. p. 441]

What were mere FOIA violations by the Attorney General when Appellant filed her two FOIA suits in August 2011 turned to Due Process violations when

the Attorney General, Bauknight and Tommie Rae joined together in their successful three-year defeat of Appellant's FOIA rights. [R. pp. 443-446]

When the Attorney General and Tommie Rae joined forces in 2012 to prevent the voiding of 2008 gag orders that prevented Buchanan and Appellant from defending themselves against the Attorney General's and Tommie Rae's claims against them for tens of millions of dollars, both Due Process and First Amendment rights were violated. [R. pp. 444-445] Even a lay person would appreciate that a 6-year-old gag order is manifestly unfair.

When the Attorney General sought a reporter's notes and sources in 2012, the State became a party to favoritism towards Tommie Rae which interfered both with FOIA administration and the Shield law.

When the Attorney General and Bauknight then tried to have a reporter's FOIA suit consolidated with the Wingate Suit, all South Carolina citizens who believe in open government were endangered.

On June 13, 2013, without notice or hearing, the circuit court blessed and facilitated this State action in favor of Tommie Rae and Levenson. These Due Process and First Amendments violations are unprecedented.¹⁵

III. Ordering Appellant's Filings Removed from the Public Record, Directing Future Filings to be Rejected; and Enjoining Appellant

¹⁵

Appellant incorporates the Affidavit of Adele J. Pope dtd. July 3, 2014. Pages 11 - 21 of that Affidavit give a chronology of the Attorney General's damage to Appellant and the HALF of Brown's heirs not challenging the Estate Plan. [R. pp. 436-446]. But for State action, the "I Feel Good" Trust's copyrights and annual \$3+ million royalty stream would now be protected for decades with termination agreements with this half.

from Protecting Herself in Lawsuits the Estate, Attorney General and Forlando Brown Brought Against Her, Violates Appellant's Due Process Rights.

While Buchanan, Appellant and a small team worked for four years to allow the Supreme Court to save the "I Feel Good" Trust, the Attorney General and lawyers expecting about \$20 million if they could stop the *Wilson v. Dallas* appeal worked to destroy their careers and reputations by bringing the Wingate Suit, FOIA interference and other means. Forlando Brown, seeking to return Respondents Cannon and Dallas as Brown's trustees, spewed vitriol in federal court in the suit he and attorney David Bell fabricated in January 2008.¹⁶

It worked. Buchanan and Appellant were not reinstated in the *Wilson v. Dallas* decision.

While the *Wilson v. Dallas* decision damaged Buchanan's and Appellant's careers and reputations, it did not deprive them of their constitutional and Probate and Trust Code rights.

The June 13 Orders did. They purport to prevent Appellant and Buchanan from being attorneys, witnesses, expert witnesses, guardians *ad litem* or having any role in any James Brown case. They directed that the three motions Appellant filed, following the Court's direction, be stricken from the public record. They deprive Appellant of the right to be ungagged about the widely-known contents of the so-called Hynie "diary" to protect herself against

¹⁶

All of Forlando's January 2, 2008 claims against the 2000 Trust, Buchanan and Appellant were dismissed in April 2012. Matters related to their counterclaims are pending.

the claim the Attorney General and Tommie Rae have filed against her for tens of millions of dollars. They purport to prevent Appellant from defending herself or pursuing counterclaims in the unconstitutional Wingate Suit. They purport to prevent Appellant and Buchanan from recovering the legal cost of defending themselves and the 2000 Trust in the fraudulent Forlando federal suit which was pursued for four years until the complaint was dismissed in April 2012.

Wilson v. Dallas cannot reasonably be read to deprive Appellant and Buchanan of these and other rights. To do so violates their Due Process and First Amendment rights. It violates all notions of fundamental fairness.

The June 13 Orders should be declared void.

IV. Fraud in the James Brown Cases Threatens Appellant, the “I Feel Good” Foundation; and Private Philanthropy in South Carolina.

On pages 12 and 13 of his brief Bauknight claims that there has been no fraud. The record in the fourteen cases affected by the June 13 Orders confirms that there has been.

Section 62-1-106 of the SCPC states in part:

SECTION 62-1-106. Effect of fraud and evasion

Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this Code, or if fraud is used to circumvent the provisions and purposes of this Code, any person injured thereby may (i)¹⁷ obtain

¹⁷

The court is asked to take judicial notice under SCRE of page 151, *Cold Sweat Brown, Yamma and Fisher R.G.* My father James Brown and Me, Chicago review Press, Incorporated, in which Dr. Brown, one of the challenges states in Chapter 24, Contesting the Will, “Dad always said he wanted a large

appropriate relief against the perpetrator of the fraud...

The purposes of the Probate Code as set in Section 62-1-102(b)

include:

...
(2) To discover and make effective the intent of a decedent in the distribution of his property.

Appellant addressed some of the Section 62-1-106 violations on July 9,

2013:

Mr. Bauknight valued James Brown's worldwide Music Empire which had earned six million dollars a year for the three years before his death at less than 4.7 million dollars.

Where is that valuation? It is hidden under lock and key. The attorney general will not release it under FOIA. Mr. Bauknight will not release it, although he is required to do so by the probate code.

4.7 million dollars for those royalties and the right to exploit James Brown's image and persona for decades.

The Attorney General of South Carolina told the Supreme Court that Mr. Bauknight's valuation was right. He said that the other five fiduciaries who had served James Brown for over 15 years were wrong about the value.

The Attorney General of South Carolina also told the Supreme Court in 2011 that there never was an offer to buy James Brown's Music Empire.

Now, you and I were there when the first one came. The attorney general said there was never an offer at the same time he was suing Bob and me for tens of millions of dollars for not accepting a hundred million dollar offer...

The attorney general endorsed Bauknight's false claim that but for the McMaster settlement there would be nothing in the I

part of his estate to go to charity."

Feel Good Trust in 2023.

The attorney general nodded approval as Mr. Bauknight told the Supreme Court that Tommie Rae Hynie's elective share claim was a slam dunk...

The State's protector of charities was gagged by Your Honor's orders from doing his public duty to protect the I Feel Good Foundation. But it's worse than that. He wasn't [just] gagged, but he worked for years to prevent the ungagging of his own office. That is truly unprecedented. [R. pp. 287-289]

Bauknight and the Attorney General have known since at least August 2010, when they stated it in a filing in the Wingate Suit, that:

...the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. This objective was the often stated and well-known desire of James Brown. [R. p. 433]

The purpose of the Probate Code is to carry out that well-known and often-stated desire of James Brown. Persistent fraud by some of the more than 90 attorneys and some of their clients to circumvent Brown's well-known wishes began in September 2007 and continues today. The fact that it was preceded by different fraud by Brown's original trustees does not excuse it.

Bauknight and the Attorney General have known for years that most of the settling parties have admitted that Tommie Rae was not Brown's spouse; and that they knew it when they reached the 2008 agreement.

The fact is that the Levenson clients were willing to give Tommie Rae 25% of the "I Feel Good" Foundation, which she did not deserve, to get their own 25% of the "I Feel Good" Foundation, which they did not deserve. That kind of "family" harmony was not good for the "I Feel Good" Foundation in 2008. And it

is not good for the "I Feel Good" Foundation now.

Bauknight and the Attorney General have known since 2009 that the \$3+ million annual royalty stream from Brown's 800+ copyrights could be secured for decades without the consent of a single settling party. All that was needed was modest copyright termination agreements with the HALF of Brown's children to whom the Attorney General did not give a dime in his settlement.

Bauknight and the Attorney General have known since Levenson and Bell separately threatened Buchanan with grievances in 2009 if he opposed the settlement and did not resign that the vitriol and extreme discord were *never* either the act, or reaction, of Buchanan, Appellant - or of their fine counsel.

Bauknight and the Attorney General know that the GRAMMY withdrawal claim was not correct.

On July 9, Appellant addressed how the false claims and June 13 Orders had damaged her:

And I have standing as an other under the South Carolina trust code. Someone interested in the enforcement of the I Feel Good Trust because my claim rests on the reasonableness of the defense of that trust.

That standing includes a right to participate in every case which affects my fair commission for services as personal representative of James Brown's estate as that term is defined in the probate code¹⁸. It is not 18 months. It is five and a half years. It is based on my rights under the probate code as a creditor and an interested person.

18

See Section 62-1-201(33) which defines Personal Representative (PR) to include someone performing "substantially the same function under the law governing their state..."

The June 13th order [s] should be voided because they distort the playing field. They do not do justice. They leave the protections of the James Brown estate plan and my own claim and Bob's claim in the hands of a fiduciary who...has not accounted, who has defrauded the Court, who has intentionally misstated facts about the heirs of James Brown and their rights and who has not, cannot and will not protect the 2000 or the '99 will of James Brown or give me a fair hearing on my claim.

The State through this Court and the attorney general has deprived Bob and me of our property rights and even threatened our liberty....¹⁹

Tommie Rae is not James Brown's family, ... the attorney general should not have joined as her co-Plaintiff to sue me for conducting the Wilson versus Dallas appeal, nor Bob.

And I have standing to show that it is the State's conduct, not mine, the State's attempt to crush anyone who protects James Brown's two valid estate plans...[R. pp. 285-286]

There has been fraud in the James Brown cases for seven years. It began with Dallas and Cannon. Bell became involved by filing six false grievances against Levenson; attaching false schedules to the 2000 Trust in Court filings; and filing false affidavits.

Since 2009 many of the false statements have related to the value of Brown's assets; Tommie Rae's status; Brown's heirs; and the Federal Copyright Act. They have included the false claim that Buchanan and Appellant were greedy, vicious felons. When Buchanan was broken financially, the entire focus shifted to Appellant. The unconstitutional Wingate Suit continued and increased the fraud.

The stay in the Wingate Suit; FOIA interference by Bauknight; and FOIA

¹⁹ The Wingate Suit.

noncompliance by the Attorney General continue the fraud and the coverup of some of it.²⁰

The June 13 Orders allow and condone fraud perpetrated in the James Brown cases. They leave Buchanan and Pope unprotected from the State actions which endorses that fraud. The Attorney General and Bauknight are allowed to conceal the fee agreements the Supreme Court directed the circuit court to address in *Wilson v. Dallas*.

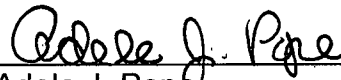
Conclusion

The June 13 Orders continue the improper State action commenced on August 10, 2008. There has been fraud. There have been violations of Appellant's Due Process rights and the right of others. The Attorney General's continued support for Tommie Rae in the Wingate Suit and FOIA interference and non-compliance threaten Appellant, the "I Feel Good" Foundation and private philanthropy in South Carolina. Appellant has standing to conduct this appeal for herself and others. The June 13 Orders should be voided.

²⁰

The Court is asked to take judicial notice, for example, of *Cold Sweat*, the recently released autobiography of Dr. Yamma Brown. Dr. Brown makes clear that she was fully aware of her father's intentions, and the \$100 million value of the Estate. Levenson, her attorney, claims it was \$4.7 million. SEE *Cold Sweat*, pp. 151-153.

Respectfully Submitted,



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