

STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JAN -9 2015

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

S.C. Supreme Court

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

Appellate Case No. 2013-00.1649

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 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.

AFFIDAVIT OF ADELE J. POPE IN SUPPORT OF MOTION

PERSONALLY APPEARED BEFORE ME ADELE J. POPE, who, being
duly sworn, deposes and says.

1. I am informed and believe that Bob Buchanan and I are the only two

people who have worked consistently since the death of entertainment icon James Brown on December 25, 2006 to carry out his wishes to leave his \$100 million music empire to the "I Feel Good" Foundation for needy students, as expressed in his 2000 and 1999 estate plans and his 1999 voice tape.

2. Since May 8, 2013, I have offered my service and expertise, including in the relationship between the Federal Copyright Act termination rights provisions and State probate law, *pro bono publico* to the Attorney General and any heirs, devisees or others seeking to help prevent a second dismembering of the "I Feel Good" Foundation and the dissipation of the Foundation's 800+ copyrights for benefit of Tommie Rae Hynie, Louis Levenson, Esq. and David Bell, Esq., who, collectively seek about \$30 million from the "I Feel Good" Foundation.

3. I am informed and believe that Bob and I have a right to a level playing field as we seek in Richland County Case 2010-CP-40-4900 ("Case 4900") and by exercise of FOIA rights to restore our reputations which, I believe, were intentionally tarnished by two Attorneys General and the Attorney General's Legacy Trust, working with Tommie Rae Hynie and others seeking to dismember the "I Feel Good" Foundation .

4. I am informed and believe that the Attorney General and his Legacy Trust are necessary parties to this suit because nearly two years after the first *Wilson* decision they are still co-plaintiffs with Respondent Hynie in Case 4900, and all are seeking relief from default in that case.

5. I am informed and believe the recently-released Wingate Litigation

Retention Agreement provides strong evidence that Case 4900, brought in the name of the State/AG, Ms. Hynie and others by a private law firm, was both illegal and improper. The 40% contingency fee contract was not signed by about a dozen Case 4900 plaintiffs, including the Attorney General. In 2011 these same Plaintiffs intervened in a FOIA suit; sought sanctions against me for exercising my FOIA rights; and had the FOIA suit consolidated with Case 4900.

5. The Wingate contingency fee contract was secretly signed by counsel for Tommie Rae, Louis Levenson, Esq. and David Bell, Esq., the same group who expected about \$20 million in contingency legal fees if they could stop the *Wilson v. Dallas* appeal.

6. I believe Case 4900 and the Attorney General's FOIA noncompliance since 2011 and this appeal are directly connected to each other.

5. Attached as Exhibits A, B, C and D are emails among Sr. Assistant AG Sonny Jones, counsel for Respondent Hynie, counsel for the trustee of the Legacy Trust, and others related to the plan to sue Bob and me, and the devaluation that led to the Attorney General's falsely accusing Bob and me of the federal felony of intentionally overstating Brown's music empire to the IRS by \$79^{million up} on the estate tax return for the improper purpose of obtaining a \$5 million commission.

6. I believe that the public documents the Attorney General has refused to produce under FOIA since 2011 will further confirm that Respondent Hynie was not Brown's spouse; Bob and I valued Brown's assets conservatively and correctly in sworn IRS filings; and the Legacy Trust, Hynie, and Forlando's share

of the 2000 Trust – not the needy students Brown intended to benefit – should bear the legal cost of Case 4900 and Forlando’s now-abandoned frivolous suit.

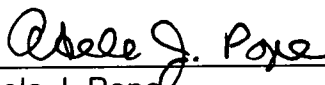
7. I am informed and believe that heirs under the Copyright Act who are being intentionally excluded from the James Brown spousal proceedings, and who are not seeking to dismember the “I Feel Good” Trust, have a right to join me in showing this Court that Mr. Bauknight’s and the Attorney General’s continued alliance with Respondent Hynie damages their property right to show she is not Brown’s spouse and reach fair termination rights agreements with the “I Feel Good” Trust.

8. Attached as Exhibit E and F are copies of my revised December 29, 2014 letter requesting AG Wilson to become a respondent in this appeal, and the email transmitting it.

9. Attached as Exhibit G is the response I received from Sonny Jones on January 7, 2015.

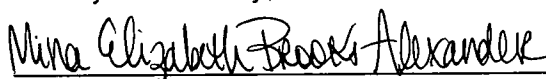
12. Attached as Exhibit H is an email Adam Silvernail, my attorney in Case 4900 and the FOIA Cases, sent to Sonny after he received Sonny’s email.

FURTHER DEPONENTS SAYETH NOT.



Adele J. Pope

SWORN TO before me this
8th day of January, 2015



Nina Elizabeth Brooks Alexander (L.S.)
Notary Public for South Carolina
My Commission expires: 2/17/2015

Exhibit A

From: Alan Medlin <amedlin@sc.rr.com>
Sent: Wednesday, April 14, 2010 12:48 PM
To: Sonny Jones
Cc: Kingsmore, Fred L.; J. C. Nicholson; Mary Frances Jowers
Subject: Re: Brown-Pope May 20, 2009 accounting

So this is a PR accounting. I thought it would be a trustee accounting. So they have taken the position that all the assets were in the estate? Not consistent with a bunch of other stuff they have said. ... Big surprise

Alan Medlin

On Apr 14, 2010, at 12:37 PM, "Sonny Jones" <AGSJONES@scag.gov> wrote:

> This accounting states that we had an ending balance of over \$99
> million. Alan I think we may be suing the wrong people..
> <Brown- May 20-2009 accounting.PDF>

Exhibit B

From: amedlin@sc.rr.com
Sent: Thursday, December 16, 2010 12:34 PM
To: Kingsmore, Fred L.
Subject: Re: Appraisal

something re mot to dismiss?

---- "Kingsmore wrote:

> What document did we file saying estate value didn't exceed \$12 million?

>

>

> Fred L. Kingsmore, Jr.

> Nexsen Pruet, LLC

> P. O. Drawer 2426 (29202)

> 1230 Main Street, Suite 700

> Columbia, SC 29201

> T: 803.253.8264, F: 803.727.1451

> fkingsmore@nexsenpruet.com

> www.nexsenpruet.com

> Nexsen Pruet

>
> CONFIDENTIAL COMMUNICATION: The Information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

>

> IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

>

> *** CONFIDENTIAL COMMUNICATION *** The Information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

>

> *** IRS CIRCULAR 230 NOTICE *** Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

Exhibit C

From: Alan Medlin <amedlin@sc.rr.com>
Sent: Monday, October 24, 2011 4:50 PM
To: Kingsmore, Fred L.
Subject: Re: More questions...
Attachments: image001.png; image004.png; image003.png

Terry Cox is a supposed branding expert who has appeared numerous times in the case. His first appearance came in chambers when Dallas and Bradley resigned in November 2007. At that time Dallas was touting him as the man who was going to buy the estate for \$100 million. No offer was ever made. Soon afterwards, Cox sent Adele a letter suggesting the estate might be worth in the \$100M range and said he had a group who might be interested in buying it but of course they needed to conduct due diligence to see if they would and for how much. This was no more of an offer than for me to tell you I think your car is worth \$100,000 and I will make an offer to buy it once I decide what it is really worth, even if it turns out to be \$300. Nevertheless, Adele says this letter was an offer. She said this to explain why she did not ever get an appraisal of the estate value. The IRS says one method of determining value is what a willing buyer will pay a willing seller. But, as noted, Cox was not ready, willing and able to buy – no actual number was ever set. She can't have it both ways. If there really was an offer for \$100M in late 2007/early 2008 from Cox, she should have taken it – her failure to do so cost the estate about \$95 million. That, of course, is *reductio ad absurdum*; the real point is there was never an offer. Cox later met with me and Sonny and a young assistant AG in August 2008, right before the settlement. He said that there was no way they would have paid \$100M. If he had to guess, maybe the estate was worth \$65 M then. But he said because of her bad management, the estate was now worth only \$35M in August 2008, and he would not offend us by making an offer but rather wanted to partner with us and help us build our "brand." At that point he had probably left Dallas' camp and was trying to work his own deal.

Once Terry joined the settlement, he re-appeared and tried to figure out a way for us to pay him for building our "brand." He was all hat and no cattle. Eventually, Terry and Forando punted him away.

Nor did Bill Hammond, the original tax lawyer for the 3 amigos referred to in FN 3, have sufficient information about how to value the estate. When you estimate 80 to 120M, you really have no clue. If you can't get the value within \$40M, then you are just guessing. Again, no appraisal was ever done.

The important answer to the question about why our value is so low:

1. They never got an appraisal; we got a professional appraisal.
2. The IRS conducted a vigorous audit and agreed with our number. According to P&B, if the estate was worth \$100M and the settlement queered the charitable and marital deduction, the IRS gave away tens of millions of dollars. Even with the charitable and marital deduction, the IRS would have given away about \$12 million. Does anyone think the IRS gave away a chance at tens of millions, minimum \$12 M, unless they knew we were right with our professional appraisal?
3. The inflated \$100M is a way to try to get their fee of \$5M; Bauknight would be cutting his own throat from a fee standpoint by having a invalid low appraisal. It is against his financial interest to have a low appraisal, but he is honest and professional, and this is another reason his appraiser's value can be believed.

And remember, the value is really just a side issue. The main point about the IRS is that they claimed our settlement would cost \$50M in taxes because we would not get the charitable and marital deductions. The audit is concluded and the SOL has run, and the tax is zero, and we got the charitable and marital deductions.

From: Kingsmore, Fred L.
Sent: Monday, October 24, 2011 3:55 PM
To: amedlin@sc.rr.com
Subject: FW: More questions...

Let you hit this one for him if you will

Exhibit D

Sonny Jones

From: Rett Kendall <EAK@swblaw.com>
Sent: Sunday, May 16, 2010 5:42 PM
To: Sonny Jones
Cc: Mary Frances Jowers; FKingsmore@nexsenpruet.com; amedlin@sc.rr.com; Ken B. Wingate
Subject: Re: Brown- Pope & Buchanan Lawsuit

I will be available. How do we call in?

Sent from my iPhone

On May 16, 2010, at 5:39 PM, "Sonny Jones" <AGSJONES@scag.gov> wrote:

> Please advise if everyone is available for a 9:30 AM call tomorrow
> morning(Monday, May 17) to discuss issues related to the complaint,
> such as, retention letter, parties name as parties, who signs the
> complaint, etc...

--- Scanned by M+ Guardian Messaging Firewall ---

Law Office of Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108

Exhibit E

December 29, 2014

The Honorable Alan Wilson
Post Office Box 11549
Columbia, South Carolina 29211-1549

By Email and First Class Mail

Re: Request for Attorney General to be Added as Respondent
Supreme Court Appellate Case Nos. 2013-001649 and 2014-000250

Dear Attorney General Wilson:

The December 17 decision of the South Carolina Supreme Court to certify Appellate Case Nos. 2013-001649 and 2014-000250 provides hope that the "I Feel Good" Foundation can be saved from the announced intention of Louis Levenson and Tommie Rae Hynie to dismember both the "I Feel Good" Trust and its 800+copyrights a second time, taking more than \$50 million James Brown intended for scholarships for needy students (Status conf., 5/29/13).

Please agree to become a Respondent in the two appeals, and make it clear to the Supreme Court that the Attorney General's office no longer supports the claim of your predecessor that the 2008 Settlement which took \$20 million from the "I Feel Good" Trust for attorneys; \$11 million for Ms. Hynie; damaged the copyrights; and proposed to allow Terry Brown to buy the music empire at less than 1/10 its real value, was a good settlement. [See NY Times, 12/13/14].

Based on the actions taken on behalf of the Attorney General and your Legacy Trust in Case 4900 and the three pending FOIA suits, I have set out some of the issues which will need clarification.

I. FOIA COMPLIANCE SHOULD COME FIRST

Mr. Wingate, speaking for you as part of the "Plaintiffs' group" in Case 4900, asserts that my 2011 FOIA requests should be made part of a second mediation in Case 4900 which he is proposing to delay with unreasonable requests. As you know, two major impediments to the first Case 4900 mediation in 2012 were: critical public documents were not available; and the parties were not present at the mediation.

The public documents necessary for a reasonable James Brown settlement are:

1. The Wingate Litigation Retention Agreement. After years of FOIA non-compliance we know that the 40% Wingate Contract to bring Case 4900 was not signed by the Attorney General. Nor was it signed by 14 other Case 4900 Plaintiffs/Counterclaim Defendants. We now know it was signed by Russell Bauknight

Ltr. to Attorney General Wilson
December 29, 2014
Page 2

on behalf of the AG's Legacy Trust (and in other capacities), and by three lawyers wanting more than \$20 million in legal fees if they could stop the *Wilson v. Dallas* appeal: Louis Levenson (wanting \$9 million); Tommie Rae's lawyer (wanting \$10 million); and David Bell. [A federal judge found the Wingate Agreement public in 2013.]

2. The Legacy Trust and Amendment(s) . The Legacy Trust is an important Case 4900 Plaintiff/Counterclaim Defendant because it holds copyright termination rights of the Levenson clients, Terry Brown and others. And it has an equitable claim to real estate obtained by Yamma and personal and household effects devised under Brown's Will. It is my hope that the Legacy Trust – and not the needy students Brown intended to benefit – will be the primary source of funds to pay the damages caused to Bob and me by Case 4900.

But confusion abounds. On July 15, 2011 David Black, Esq. claimed the Legacy Trust was private, and not subject to FOIA. [Summer, Prop. Int. Memo., 4/26/13, Ex. C]. Emory Smith asserted no signed Legacy Trust amendment existed, claiming recently that the amendment signed by AG McMaster in January 2011 was an amendment to the Settlement Agreement, not the Legacy Trust. [AG's Prod.10/15/14]. Another Legacy Trust lawyer now says it does not exist. [Babcock ltr. 12/14]. At the same time, Mr. Bauknight, as your trustee, is making demands on behalf of the Legacy Trust in the proposed Case 4900 mediation.[Gende, Ltr. 12/14]. [The 2011 Legacy Trust amendment, signed by AG McMaster, was produced by Forlando Brown to a journalist.]

Completing my FOIA suit will clarify all of this.

3. The \$4.7 Million Valuation and Related Documents to Support the \$4.7 Million

This appraisal should have been made public under the Probate Code and FOIA in 2011. The underlying documents were made public by Judge Early with the consent of the Estate/2000 Trust in his order dated August 10, 2007. They are now hidden.

Whether Bob Buchanan and I intentionally overstated Brown's music empire by \$79 million for the improper purpose of obtaining a \$5 million commission – or whether Mr. Bauknight understated it by \$79 million, at \$ 4.7 million – is critical to Case 4900, Case 1337 and the two pending appeals.

Public documents not disclosed under FOIA, including emails produced by others in 2014, suggest Bob and I were correct, and that your office not only has copies, but that Sonny Jones, with Tommie Rae's lawyers, was instrumental in both Bauknight's \$4.7 million devaluation and the decision to sue us for not accepting a \$100 million offer at the same time the IRS and Supreme Court were told the music empire was worth only \$4.7 million, and there were no offers.

Ltr. to Attorney General Wilson
December 29, 2014
Page 3

[See Medlin, email to Kingsmore, 11/24/2011 w/ attachmts; email of Medlin re: Publicity Rights, valuation of music copyrights; emails among Jones, Heyward Carter, Jean Lee, Medlin & others, including from 3/2010-5/20/2010; B-41 docs produced by Bauknight in 1337 in 2014; Pet. Rehearing, Michael.]

4. The So-Called Hynie "Diary". We all know the contents, which were made public under Judge Early's August 10, 2007 Order and remained public and widely disseminated and discussed for six months, including by two Attorneys General. We all know Ms. Hynie's handwritten notes do irreparable harm to her claim that she was Brown's spouse, and will help save the "I Feel Good" Trust and its 800+ copyrights. We all know Mr. Sojourner and Mr. Bauknight are concealing the "diary" to help Ms. Hynie and Mr. Levenson promote the false claim that Ms. Hynie controls the copyrights. We all know the 2008 gag orders are unconstitutional. We all know that all Levenson clients have admitted they knew Tommie Rae was not Brown's spouse when they signed the 2008 Settlement. We all know Mr. Bauknight should have, and did not, correct tax records claiming Ms. Hynie is Brown's surviving spouse. We all know that Mr. Bauknight is allowing Mr. Bell to siphon off the inexpensive deals with Michael, Tonya, Daryl, and others which belong to the "I Feel Good" Trust. We all know Mr. Sojourner has presented "facts" to the Court, excluding the "diary," which will insure that he will lose his motion for summary judgment that Ms. Hynie is not Brown's spouse, making a second dismembering of the "I Feel Good" appear reasonable to Judge Early.

In short, there is only one reason to secrete under FOIA or discovery these public handwritten admissions of Ms Hynie: to try to dismember both the "I Feel Good" Trust and its 800+ copyrights *again*.

We all know that the "I Feel Good" Foundation and its 800+ copyrights should be protected by confirming that Brown died without a spouse and reaching termination rights agreements with the least expensive HALF (or Half +1) of Brown's real heirs from among those not challenging the estate plan.

As the public official who enforces FOIA compliance, enforces the proper operation of charities and has absolute control over the Legacy Trust, you are in a position to bring these FOIA matters to a close in the first instance. I trust you will agree to do so, and inform the Supreme Court of your intention.

II. FEDERAL CASE NO. 3:08-CV-00014-WOB, THE FORLANDO SUIT

For seven years David Bell and Forlando Brown, aided by Terry Brown, have defrauded multiple courts.

Bell filed six false grievances against Levenson; threatened a grievance against Bob Buchanan; filed false affidavits in the Forlando Suit; and was working with Kilpatrick Stockton in early 2011 when their website was changed to reflect the incorrect

GRAMMY claim which was picked up by the Supreme Court. After the *Wilson* decision Bell gloated to the Federal Court that the decision, based in part on his knowingly false GRAMMY claim and in part on the \$4.7 million claim which he also knew to be false, stood as a permanent stain on Bob's and my careers.

In 2010 Bell authorized the Wingate contract and approved the Case 4900 complaint, simultaneously representing those opposing and joining the 2008 settlement.

In 2011 Bell, Sonny Jones, and others worked on the secret amendment to the Legacy Trust and transfer of Terry Brown's right of first refusal ("ROFR") to buy the music empire to Forlando. Increasing his deception, Bell would claim to the State Court that the music empire was worth \$4.7 million while Forlando testified under oath in his federal deposition that the \$4.7 million was "bogus." Bell claimed that Tommie Rae was Brown's spouse and controlled the termination rights, while Forlando testified she was not; knew it; begged Brown to marry her, but he refused; and has no termination rights.

In 2013 Bauknight claimed Forlando/Bell had done nothing wrong by continuing the 4-year federal suit to enjoin the 2000 Trust until the Cannon group were reinstated as trustees. He claimed Bob and I were the wrongdoers. As a result, while the Court agreed with us about the wrongdoing by Forlando, we were not awarded legal fees, requiring an appeal. Worse, Mr. Bauknight hired Ken Wingate, lawyer for Mr. Bell, to try to prevent our counsel from being paid for this critical work for the 2000 Trust.

I hope you agree with me that the legal cost of defense of the frivolous 4-year Forlando Suit to reinstate the Cannon trustees is properly borne by the Trust, but should be charged, the extent possible, against Forlando's \$285,000 share and any interest attributable to it.

III. THE PARTIES SHOULD BE REQUIRED TO ATTEND CASE 4900 MEDIATION

The 2012 mediation, in large part, was a failure because three lawyers wanting \$20 million – and not the parties – came in place of most Plaintiffs/Counterclaim Defendants. In 2012 Levenson was allowed to attend Case 4900 mediation as both attorney and agent for all the persons listed below, only a couple of whom attended:

1. Venisha – then incarcerated in Georgia, for whom Levenson is criminal attorney; contingency-fee attorney in Will contest; and who did not sign the Wingate contract.
2. Deanna, 3. Yamma, 4. Larry - all contesting Brown's Will/2000 Trust.
5. Daryl Brown - who had terminated Levenson before the mediation;

asked the Attorney General to support the "I Feel Good" Trust; and has now withdrawn challenges to estate plan.

6. Tonya Brown - claimed grandchild left out of 2008 Settlement, who has now terminated Levenson and withdrawn all challenges to the estate plan. She has also confirmed Tommie Rae is not Brown's spouse.

7. Sydney, 8. Carrington - minors whose \$285,000 Trust and copyright termination rights (during the life of Ms. Hynie) were decimated by the 2008 Settlement. (No GAL).

9. Jason Lewis, 10. Lindsey Brown & 11. Janise Brown - adult grandchildren whose \$285,000 Trusts and copyright termination rights (during the life of Ms. Hynie) were decimated by the 2008 Settlement.

David Bell - who was allowed to attend mediation for 12. Terry Brown, whose interest had secretly been assigned to Forlando. Bell has now been terminated by both Terry and Forlando, but remains a contractor with Levenson & Tommie Rae on the Wingate Contract in Case 4900.

Alan Medlin - was allowed to attend mediation as both agent and attorney for 13. Ms. Hynie, while Russell Bauknight also served as agent (without GAL) for Ms. Hynie's son, 14. James B. Ms. Hynie stayed home from the October 12, 2012 mediation, and publicly posted the following on facebook:

" This mediation today is to get rid of Adelle Pope an X trustee appointed by the state that has misappropriated and slandered this family with her hatred."

I ask you to join me in openly rejecting the Wingate Firm's claim that mediation should go forward with FOIA included, and without these 14 parties attending.

IV. ATTORNEY GENERAL SHOULD BE A RESPONDENT IN APPEAL 2013-001649

For over four years between August 2008 and May 8, 2013, the Attorney General, Ms. Hynie and the Legacy Trust "spoke as one," with Mr. Bauknight as their principal spokesperson. Many incorrect statements of fact and law were made during this period. Significant among them were the value claims and claims about heirs and the Federal Copyright Act. The June 13, 2013 orders, without notice or hearing, eject from the Aiken proceedings the two persons – Bob and myself – most dedicated to the protection of the "I Feel Good" Foundation; who were illegally sued in 2010 by the Estate/2000 Trust for protecting the Foundation; who have been denied FOIA rights for

Ltr. to Attorney General Wilson

December 29, 2014

Page 6

three years; and who have detailed knowledge about the interplay of the Federal Copyright Act and State probate law. And, most importantly, we are the only two who have committed consistently (for 7 years) to the protection of the copyrights and James Brown's 2000 and 1999 backup estate plans. [This is critical because Mr. Sojourner and Mr. Bauknight have placed the 1999 Will in jeopardy of the 10-year rule.]

The Attorney General was not named as a Respondent to this July 29, 2013 appeal because you announced your intention to withdraw from the Aiken cases. Your presence as a Respondent has become necessary as a result of the issues I have raised with you in my letters which began on March 6, 2013, and actions which continue to be taken by the State/AG and Legacy Trust in Case 4900 and the FOIA cases.

If the "I Feel Good" Foundation is going to be saved, the Supreme Court needs to know that you support it, and that you no longer support an effort to punish those who dared to challenge the 2008 Settlement. If you continue to support what Ms. Hynie, Ms. Levenson, Mr. Bell and your trustee and counsel of record are doing in your name and the name of your Legacy Trust in Case 4900 and the FOIA suits, the Supreme Court also needs to know that.

Mr. Bauknight's filings, including his final brief filed December 23, 2014, continue Bell's false GRAMMY claim; the known false \$5 million claim; and other claims he knows to be false, and which damage the "I Feel Good" Trust. [See Final Brief, filed 12/23/14, pp. 5-11,14,15].

Your voice to protect the "I Feel Good" Trust and its copyrights is necessary.

V. THE ATTORNEY GENERAL SHOULD BE A PARTY TO CASE 2014-000250

Judge Early dismissed under Rule 12(b) most of my 50+ -page complaint I filed on June 10, 2013 after Mr. Bauknight disallowed (with impending bar) my already-allowed SA and PR/Trustee fees through May 26, 2009 and all other pay to Bob and our counsel.

In the portion remaining before Judge Early, at issue is the liquidated amount the Court awarded me (about \$1.4 million) for my SA fees and PR/Trustee commission through May 26, 2009. Under Jg. Early's award Order, this amount has been earning interest at 8 3/4% since 2009. Yet Mr. Bauknight, who paid Dave Sojourner \$250,000 for two months' work in 2013, refuses to pay any portion of this amount, even though it is allowed, liquidated, court approved and accruing interest at about \$130,000 per year.

This is not helping the "I Feel Good" Trust. It is intended to help Ms. Hynie, Levenson and Bell.

Ltr. to Attorney General Wilson
December 29, 2014
Page 7

Mr. Bauknight says Bob and I damaged the GRAMMY, and that Case 4900 must be concluded before he can pay any portion of the above amount. Yet he has paid Bob the full amount he was due under the same Order; all of our work was joint; and Judge Early has confirmed that Bob is not subject to any disgorgement, and may seek additional fees if the Case 4900 settlement is overturned (as it should be). Mr. Bauknight, while himself serving as a fiduciary for Ms. Hynie in Case 4900, recently told Judge Early he cannot pay even the 2007 SA fee part of this liquidated, allowed, court-approved claim until Case 4900 is concluded. At the same time he, both as your trustee and as Ms. Hynie's fiduciary, is asking Judge Manning not to conduct a single hearing in Case 4900 (or the FOIA cases) for what may be five years.

I ask you to read the complaint and briefs in this case, and agree with me that the Attorney General should intervene and protect the "I Feel Good" Foundation by confirming Mr. Bauknight cannot continue to take these actions in the name of James Brown's Will and 2000 Trust where his continuing service to your Legacy Trust, Ms. Hynie, her son, and the Levenson Will contestants is in direct conflict with James Brown's noble estate plan. And where he places Brown's backup 1999 plan in jeopardy.

I ask you to note Mr. Bauknight's Motion to Strike Portions of Appellant's Designations of Matter dated July 8, 2014, in which Mr. Bauknight successfully moved to strike from the record in Appellate Case 2014-000250 as "not clearly identified, ...not presented below, and/or not relevant" the following, and other, documents, stating:

- Last Will and Testament of James Brown, dated June 15, 1999 (#31 under "Affidavits and Others" in Pope's Designation) - This will pre-dates the Will being probated and has never been filed below.

This startling attempt to prevent the Appellate Court from even knowing the jeopardy in which he and Mr. Sojourner are placing the backup 1999 Will under the Probate Code's 10-year rule justifies your intervention.

The Attorney General has both full power and authority over your Legacy Trust and a statutory duty to protect the "I Feel Good" Foundation and its copyrights from Ms. Hynie, Mr. Bell, Mr. Levenson and your own Legacy Trust.

Kindly respond to me by January 7, 2015. Because all briefs and the record have been filed in both appeals, it is important for your position to be known immediately.

Thank you in advance for your timely consideration and response.

Sincerely,



cc: Adam Silvernail, Esq.

Adele J. Pope

Persons Interested in FOIA and in saving The James Brown "I Feel Good" Trust

From: "Adele Pope" <adele@popelawfirm.com>
To: agwilson@scag.org;bcook@scag.org;jmcintosh@scag.org;agesmith@scag.org;mfjowers@scag.gov
Cc: ""adam@silvernaillawfirm.com" " <adam@silvernaillawfirm.com>
Subject: REQUEST FOR ATTORNEY GENERAL TO BE ADDED AS RESPONDENT TO JAMES BROWN APPEALS
Date: 1/5/2015 10:33:27 AM

Exhibit F

Dear Attorney General Wilson, and staff:

In response to Emory's email of last week, I have revised my Request of December 29 to delete a reference to a statement that in the Summer FOIA suit Emory said there is a material question as to the existence of the Legacy Trust. The statement was not made by Emory, and not in the Summer FOIA suit. Emory, please accept my apologies for the confusion.

I have added a little bit of information about the Legacy Trust as it relates to the Summer FOIA Suit which turned up as I checked the file.

I reference the July 15, 2011 David Black letter responding to my June 30, 2011 request for "[t]he final and all drafts, signed and unsigned of the James Brown Legacy Trust." David asserts in that 2011 letter that my FOIA request to see copies of the Legacy Trust, which is suing Bob Buchanan and me for tens of millions of dollars, is improper. He asserts that "for FOIA purposes, the [Legacy] Trust is not a public body as defined in the South Carolina FOIA statute." David then advises me:

"In the event that you continue to file unnecessary discovery and/or FOIA requests, please be advised that the Trust and Estate will have no other choice than to file an action against you for abuse of process and sanctions."

Subsequently Russell, Tommie Rae, the Legacy Trust and others sought sanctions against me in one of the FOIA suits. That claim for sanctions is still pending. [I have not, to date, been sued for abuse of process.]

David's July 2011 letter was filed by Russell, through the Wingate firm, in the Summer FOIA Suit. It was filed on April 26, 2013, as Exhibit C to Exhibit A of Russell's Memorandum of Law in Support of Russell's Motion to Intervene; transfer the Summer FOIA suit to Richland County; consolidate it with Case 4900; and prevent all FOIA compliance until discovery motions from as early as 2010 are resolved.

As you know, neither the 2010 discovery motions nor my FOIA matters, pending since 2011, have been heard in Case 4900.

Russell's attempt to intervene in the Summer FOIA suit and make it part of Case 4900 came two months after the Supreme Court, on February 27, 2013, directed that Case 4900 and the FOIA suits be addressed in the first instance. It came a month after AG Wilson told the Supreme Court his predecessor did not authorize the Wingate firm to sue Bob Buchanan and me in the name of the State/AG, and that he was seeking to be dropped as a party. Yet the State/AG remains a plaintiff with Tommie Rae Hynie, the Legacy Trust, James B. and others – and seeking relief from my counterclaims – almost two years after the first Wilson v. Dallas decision. Critically, the Attorney General continues to condone Mr. Bauknight's fiduciary service to the Legacy Trust, Ms. Hynie, and the Levenson clients challenging the estate plan. He supports Russell's and Dave Sojourner's placing the 1999 Will in jeopardy under the 10-year rule.

Again, please accept my apologies for attribution to Emory of a statement made by other counsel in another James Brown FOIA case.

My corrected Request is attached, and being mailed to Attorney General Wilson today.

From: Sonny Jones [mailto:SJones@scag.gov]

Sent: Wednesday, January 07, 2015 11:54 AM

To: Adele Pope

Cc: Adam T. Silvernail; John McIntosh; Mary Frances Jowers; Bob Cook; Emory Smith

Subject: RE: SAVING THE "I FEEL GOOD" TRUST; JOINT MEDIATION IN CASE 1337 AND CASE 4900

Dear Adele,

I am writing in response to your letter of December 29, 2014, your email of December 30, 2014, your email of January 5, 2015, and your email below of January 6, 2014. Thank you for the clarification in your January 5, 2014 email, including your apology for the mistaken reference to a statement that was not made by Emory Smith.

While the Office continues to monitor the Brown matters, we do not seek to become a party (Respondent or otherwise) to any matters, including any Supreme Court matters, at this time. Regarding the conclusion of the FOIA cases, I note that this Office has repeatedly informed the Court of our willingness to have those cases heard. Our position is that we are and have been in compliance with FOIA in both cases.

At this time, the Office does not desire a meeting.

Thank you.

Sonny

C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
Office of the South Carolina Attorney General
(803) 734-3654

From: "Adam T. Silvernail" <asilvernail@mkb-law.com>
To: "Sonny Jones;Adele Pope" <SJones@scag.gov;adele@popelawfirm.com>
Cc: ""John McIntosh" , "Mary Frances Jowers" , "Bob Cook" , "Emory Smith" "
<JMcIntosh@scag.gov,mfjowers@scag.gov,BCook@scag.gov,ESmith@scag.gov>
Subject: RE: SAVING THE "I FEEL GOOD" TRUST; JOINT MEDIATION IN CASE 1337 AND CASE 4900
Date: 1/7/2015 2:57:05 PM

Sonny:

I won't attempt to address all of the FOIA issues in this string of emails, but I must take the opportunity to point out one thing. You state that your office has "repeatedly informed the Court of [your] willingness to have those cases heard." If your office really wishes to conclude the FOIA cases, I hope that you will **ask the Court to hear the cases**. The Attorney General has never requested a final hearing in these matters; he has instead responded to my requests by telling the Court that he was ready for a hearing if the Court set one. These platitudes do not carry the same weight with the Court as a request, especially where the AG's counsel of record in Case 4900 has asked that an indefinite delay (now spanning nearly two years) occur in all Richland County cases. I have pointed out to Emory in the past that I believe there is a sharp distinction between telling the Court you're ready for a hearing when I ask and making that request on behalf of the AG, and I have pleaded with him to make a direct request for a hearing. That hasn't happened.

You assert to Adele that the AG is ready to have these cases heard, but neither Emory nor Mary Frances have ever responded to my multiple requests (weeks ago) that they clarify to the Richland or Aiken Courts that these FOIA cases were not subject to mediation. Because we expect an order directing mediation to arrive any time, I ask that someone in your office confirm **immediately** that mediation would be an unnecessary and unwarranted further delay in these three-and-a-half-year-old cases. I fully expect that Ken Wingate's firm – which remains your counsel of record in Case 4900 – will continue its attempt to further delay the conclusion of these FOIA cases by attempting to have them lumped in with Case 4900 for mediation. I urge the Attorney General to end his complicity in Wingate's abusive delay tactics and see these FOIA matters to their conclusion.

Thanks, and happy new year to all of you at the AG's office.

Adam

Adam T. Silvernail
Moses & Brackett, PC
1333 Main St., Suite 260
Post Office Box 100261
Columbia, SC 29202-3261
803-461-2328 (direct dial)
803-461-2309 (fax)

Confidentiality Notice: This message (including any attachments) is intended exclusively for the individual or entity to which it is addressed. This message may contain information that is legally privileged, confidential or otherwise exempt from disclosure. If you are not the intended recipient, please note that any use, dissemination, distribution, or copying of this message is strictly prohibited and may be unlawful. Please notify the sender immediately by return email and delete all copies of this message.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, please note that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

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

Appellate Case No. 2013-001649

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 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.

PROOF OF SERVICE

I certify that on the 8th day of January, 2015, I have served a copy of the
AFFIDAVIT OF ADELE J. POPE IN SUPPORT OF MOTION on the Respondents
and others described below by depositing a copy of same in the United States Mail,
postage prepaid, addressed to them or their attorneys of record, as follows:

Respondents:

Tanya A. Gee, Esquire
William W. Wilkins, Esquire
William G Newsome, Esquire
Nexsen Pruet, LLC
PO Drawer 2426
Columbia, South Carolina 29202-2426
Attorneys for Respondent Estate/2000 Trust

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

Eugene C. Covington, Jr., Esquire
P. O. Box 2343
Greenville, SC 29602
Attorney for Respondent Albert H. Dallas

Robert N. Rosen, Esquire
18 Broad Street, Suite 201
Charleston, SC 29401
Attorney for Respondent Tommie Rae Hynie

Albert P. Shahid, Jr., Esquire
89 Broad Street
Charleston, South Carolina 29401
Attorney for Respondent James B.

John A. Donsbach, Sr., Esquire
504 Blackburn Drive
Augusta, Georgia 30907
Attorney for Respondents Terry Brown and Forlando Brown

Others:

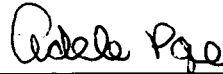
The Honorable Alan Wilson
The James Brown Legacy Trust
Russell L. Bauknight, Trustee and/or
Successor in Interest
c/o South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
Proposed Respondents

Kenneth B. Wingate, Esq.
Sweeney, Wingate & Barrow, P.A.
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211

*Attorney of Record in Case 4900 for Respondents Hynie, James B., Terry Brown,
Estate and 2000 Trust, and for Proposed Respondents Daryl Brown, Tonya Brown,
Legacy Trust and Attorney General*

Louis Levenson, Esquire
125 Broad Street, SW
Atlanta, Georgia 30303
Attorney for Interested Person Deanna J. Brown Thomas

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



Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com
S. C. Bar No. 4501
Pro Se

January 8, 2015