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FEB 03 2015

**STATE OF SOUTH CAROLINA
In the Supreme Court**

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

S.C. Supreme Court

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

Appellate Case No. 2013-001649

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..... Appellant,

And Terry Brown, Forlando Brown, James B., David G. Cannon, Albert H.
Dallas and Tommie Rae Brown, erroneously referred to as 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.

**RETURN TO ADELE POPE'S MOTION AND MEMORANDUM TO
SUPPLEMENT RECORD AND STAY SPOUSAL PROCEEDING**

Respondent Tommie Rae Brown (erroneously referred to in the caption as Tommie Rae Hynie) respectfully requests that this Court dismiss and/or deny Adele Pope's Motion to Supplement Record and Stay Spousal Proceeding. Pope has been interfering and continues to interfere in any and all actions involving the James Brown estate, presumably to obtain leverage for her \$5 million fee claim and to increase her claim for fees. Although not a party, with her removal as personal representative and trustee confirmed by the Supreme Court in Wilson v. Dallas, 403 S.C. 411, 450, 2013 S.C. LEXIS 240 at *70 (2013), she continues to obstruct the judicial process through frivolous motions and pleadings such as her current motion.¹

This Motion seeks to inject into this appeal, an order issued by the Honorable Doyet A. Early, III granting summary judgment on the issue of James Brown's marriage. That issue is still pending in the Circuit Court. Indeed, there are Motions to Amend presently pending. Presumably any aggrieved party (which does not include Pope) will appeal Judge Early's Order and it will come before this Court in due course.

Pope filed a "Motion and Memorandum for Expedited Supersedeas and Stay" of a hearing in the Common Pleas Court in the Court of Appeals. There was no such procedure, and the Motion had no legal basis. The Court of Appeals promptly denied it. See Court of Appeals Order filed December 4, 2014, attached hereto as Exhibit A. This Motion is, in effect, a motion for a supersedeas. In order to stay or supersede an order the provisions of Rule 241, SCACR must be followed. Pope has not complied with Rule 241

¹ For example, she attaches to her pleadings in the Court of Appeals a "story" from the blog of a Newberry "journalist" represented by Pope's husband in a FOIA case where the "journalist" is attempting to obtain information relevant to James Brown estate related cases but not currently available through proper discovery sought by Pope. Although a blog is in no way evidence, the blogs from this "journalist" suspiciously tell only one side of a complex story: from Pope's sole perspective, consistent with Pope's myriad pleadings and statements, almost as if the blogs were written by Pope herself.

because there is no order under appeal related to Judge Early's Order. There was no motion to intervene in the case below because Pope is not and cannot be a party to that case. Therefore she did not seek relief from the Circuit Court as required by Rule 241(d)(1). There is no petition as required by Rule 241(d)(4).

Pope has no interest in the cases pending before Judge Early. This matter was remanded to Judge Early in Wilson v. Dallas and Pope is no longer a party to that case. Pope has no interest in the elective share and omitted spousal share matters. Partial summary judgment was granted on the sole issue of Tommie Rae Brown's status as surviving spouse under South Carolina Probate Code § 62-2-802. Ms. Pope's sole interest in the estate of James Brown is as a potential creditor claiming \$5 million in fees for approximately 1.5 years of service as co-personal representative and co-trustee.² Whatever, if anything, would eventually be awarded to Pope on her creditor's claim can in no way be affected by Mrs. Brown's spousal share claims. Under the South Carolina Probate Code, a creditor such as herself would be paid first, before any beneficiaries or spousal shares could be paid from the estate.

It is impossible to reply to Pope's "Motion" as it does not set forth the basis of the Motion or her right to relief. Instead, it contains a stream of consciousness "chronology" about "this unfortunate proceeding" which has been made unfortunate by Pope and frivolous motions like this. If the chronology had any legal significance, or if it made any sense at all, Mrs. Brown would attempt to reply to it.

Pope's continuing attempts to inject herself in the administration of the James Brown estate in this case was most recently rejected by the Court of Appeals. *See Exhibit*

² Although she continues to attempt to inject Robert Buchanan, her former co-personal representative and co-trustee, into the fray, he settled long ago.

A. Despite not being a party, she has continued her attempt to, inter alia, appeal and interfere with the court's proper appointment of fiduciaries. See Court of Appeals Order in Appellate Case No. 2014-000794 dated June 16, 2014, attached hereto as Exhibit B³; see also Supreme Court Order in Appellate Case No. 2014-001279 dated October 23, 2014, attached hereto as Exhibit C.

Despite Pope's protests that she is the "only person in the world" looking out for the charitable beneficiaries of the James Brown estate, her actions belie that claim. Unless and until the competing interests in the James Brown estate are determined, not one penny will pass to any charitable beneficiary. Delaying the orderly progress of an estate administration to determine the validity of these interests will only continue to delay the possible and eventual payment on behalf of charitable beneficiaries. In any event, the Supreme Court has ordered the case to be heard on the merits.

What Pope also fails to mention is that her \$5 million claim for fees, if paid, would come directly from the charitable interests, and nowhere else.⁴ The truth is that she wants to delay progress towards the eventual payment of some charitable amount so that she can better proceed to obtain leverage for her fee claim. Pope has not attempted to intervene in the hearing on a motion that was originally filed in 2007 and became

³ In this Court's June 16, 2014 Order for Case No. 2014-000794 it was stated that:

[T]he circuit court's administrative orders of June 13, 2013, remove Pope from all James Brown Estate and Trust litigation...Because '[o]nly a *party aggrieved* by an order, judgment, sentence or decision may appeal' and an appeal may only be taken 'as provided by law[] from final judgment, appealable order or decision,' this appeal is dismissed. Rule 201, SCACR (emphasis added); *see also Nance v. Nationwide Ins. Co.*, 273 S.C. 617, 619, 258 S.E.2d 105, 106 (1979) ('An appeal filed by one who has ceased to be a party to a suit is a mere nullity.' (internal quotation marks and citation omitted)).

⁴ Similarly, under her position that the estate belongs entirely to charity, any award for the estate against her in the 4900 case would belong to charity, and any award against the estate would come completely from the charitable share.

relevant again in 2013 after the decision in Wilson v. Dallas, but rather wants to avoid the trial court and instead ask this Court to assert itself in the actions now properly before the trial court upon remand.

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ATTORNEYS FOR RESPONDENT
TOMMIE RAE BROWN

January 30, 2015
Charleston, SC

*James Brown appeal
W/ cad*

The South Carolina Court of Appeals

Ex parte: Adele J. Pope, Appellant,

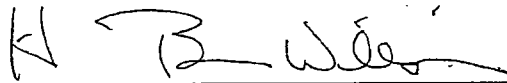
In re: Estate of James Brown a/k/a James Joseph Brown,
Respondent.

Appellate Case No. 2013-001649

ORDER

Appellant's motion for "expedited supersedeas and stay" is denied.

Furthermore, this court has reviewed the parties' correspondence regarding the caption for this appeal. The caption set forth above shall be used for all future filings. Appellant shall correct the caption on the record on appeal within ten days.



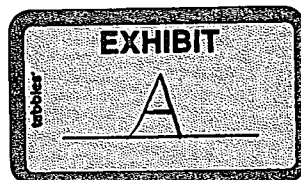
FOR THE COURT

Columbia, South Carolina

cc:

Adele J. Pope
Eugene C. Covington, Jr., Esquire
Robert N. Rosen, Esquire
Albert P. Shahid, Jr., Esquire
William W. Wilkins, Esquire
J. David Black, Esquire
Fred Lewis Kingsmore, Jr., Esquire
Burl F. Williams, Esquire
Tanya Amber Gee, Esquire
John Andrew Donsbach, Sr., Esquire
David G. Cannon

FILED
12/4/14



The South Carolina Court of Appeals

In re: The Estate of James Brown a/k/a James Joseph
Brown

Michael Deon Brown, James Curtis, Jane Doe and John
Doe Numbers I, II, III, and IV, and Adele Pope,
Appellants,

v.

James B., Terry Brown, Tommie Rae Hynie Brown, and
David Sojourner, Jr., Respondents.

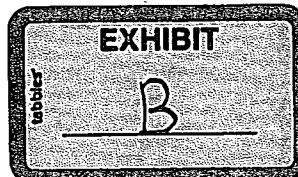
Appellate Case No. 2014-000794

ORDER

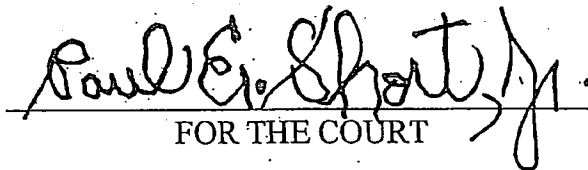
Adele Pope has filed a notice of appeal from the following orders of the circuit court:

- (1) Order of February 7, 2014, determining parties to severed omitted spouse claim, elective share claim, and pretermitted child claim (Case No. 2008-CP-02-1647);
- (2) Order of January 8, 2014, dismissing cross-claims of Cinnamon Nicole Parris and LaRhonda Pettit without prejudice (Case No. 2008-CP-02-1647);
- (3) Order of December 16, 2013, severing omitted spouse claim, elective share claim, and pretermitted child claim (Case No. 2008-CP-02-1647); and
- (4) Form Orders of February 26, 2014, and March 10, 2014, denying Pope's motions to alter, amend, and vacate orders dismissing heirs of James Brown and others from proceedings of James B. and Tommie Rae Hynie.

Pope signs her notice of appeal as "Attorney for Appellants." However, "Appellant" Michael Deon Brown's attorney, David B. Bell, has notified this Court that Pope does not represent Michael Deon Brown and he asks that his client's



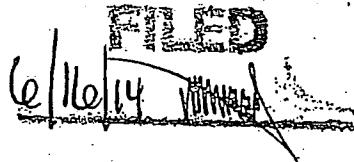
name be removed from the caption of this appeal.¹ As to the remaining "Appellants," they are not parties to Case No. 2008-CP-02-1647. In fact, the circuit court's administrative orders of June 13, 2013,² remove Pope from all James Brown Estate and Trust litigation, specifically including Case No. 2008-CP-02-1647, noting any litigation regarding Pope's fee petition will be assigned a separate case number. Because "[o]nly a party aggrieved by an order, judgment, sentence or decision may appeal" and an appeal may only be taken "as provided by law[]" from final judgment, appealable order or decision," this appeal is dismissed. Rule 201, SCACR (emphasis added); *see also Nance v. Nationwide Ins. Co.*, 273 S.C. 617, 619, 258 S.E.2d 105, 106 (1979) ("An appeal filed by one who has ceased to be a party to a suit is a mere nullity." (internal quotation marks and citation omitted)).


FOR THE COURT

Columbia, South Carolina

cc:

Adele Jeffords Pope, Esquire
Robert N. Rosen, Esquire
Albert P. Shahid, Jr., Esquire
John Fisher Beach, Esquire
David B. Bell, Esquire



¹ We further question whether Pope represents James Curtis, Jane Doe and John Doe Numbers I, II, III, and IV. In her filings, Pope contends she is filing the appeal as a "proposed guardian ad litem" and as "Creditor/Proponent of the Will of James Brown." We note that nothing in our file indicates Pope has been appointed as the guardian ad litem for any of the "Appellants."

² The administrative orders were issued in response to our supreme court's decision in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013). Pope's appeal from these orders, appellate case number 2013-001649, is currently pending before this court.

The Supreme Court of South Carolina

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 Petitioner,

And Terry Brown, Forlando Brown, James B., David G.
Cannon, Albert H. Dallas and Tommie Rae Hynie are
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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.

Appellate Case No. 2014-001279
Lower Court Case No. 2007CP0200122

ORDER

Petitioner seeks a writ of certiorari to review the Court of Appeals' order of
dismissal. The petition is denied.

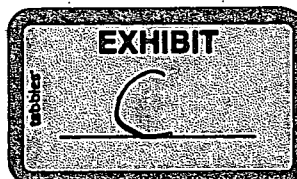

C.J.
FOR THE COURT

Pleicones, J., not participating

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OCT 24 2014

NEXSEN PRUET, LLC



Columbia, South Carolina

October 23, 2014

cc:

The Honorable Jenny Abbot Kitchings

The Honorable Liz Godard

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S.C. Supreme Court

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In Re: The Estate of James Brown and The James Brown 2000 Irrevocable
Trust u/a/d August 1, 2000..... Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on January 31, 2015 a true and accurate
copy of the Return to Adele Pope's Motion and Memorandum to Supplement Record and
Stay Spousal Proceeding was placed in an envelope with first class postage thereon

through the United States Postal Service and mailed to the offices of the attorneys of record and *pro se* party in this case at the addresses below:

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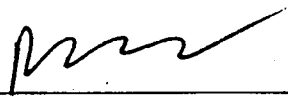
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January 30, 2015 January 31, 2015
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