

| | | |
|---|---|----------------------------------|
| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| |) | |
| COUNTY OF RICHLAND |) | |
| |) | |
| |) | Case No.: 2010-CP-40-4900 |
| RUSSELL L. Bauknight, as Trustee, and others |) | |
| |) | RETURN AND OPPOSITION TO MOTIONS |
| and |) | OF ATTORNEY GENERAL AND |
| |) | RUSSELL L. BAUKNIGHT AS |
| HENRY DARGAN McMASTER and others |) | AGENT OF THE ATTORNEY GENERAL |
| |) | OF SOUTH CAROLINA TO STRIKE |
| Plaintiffs, |) | AND |
| v. |) | REQUEST FOR RELATED RELIEF |
| |) | |
| Adele J. Pope, |) | |
| Defendant |) | |

Defendant Adele J. Pope opposes the Motions of Defendant Alan Wilson, in his capacity as Attorney General of South Carolina, and Russell L. Bauknight as purported Agent for the Attorney General of South Carolina, with others, to strike documents, including the most recent such motion filed on September 12, 2012, and respectfully requests that this Court – after the mediation scheduled for October 12, 2012 – conduct a hearing and issue an Order as follows:

1. Denying this and all other motions to strike filed herein, which motions are uniformly without merit and have, on information and belief, been filed in bad faith.
2. Finding that Alan Wilson, Attorney General of South Carolina, represented by private attorneys Sweeney, Wingate and Barrow, P.A. (“Wingate”), with Russell L. Bauknight has, since October 31, 2011, abused the discovery by taking State action to chill and/or deny the First Amendment and Due Process Rights of Defendant and Pope.
3. Finding that the actions described herein taken by Wingate on behalf of the

State and its purported agent have not served the public interest, but rather the personal interests of Henry McMaster and Tommie Rae Hynie.

4. Finding that the discovery abuse of Wingate on behalf of its private Plaintiffs, especially Tommie Rae Hynie, should be considered by this Court in finding that Defendant's Motion for Reconsideration of this Court's refusal to enjoin Wingate from serving as sole counsel to the State/AG and Bauknight from representing that he speaks on behalf of the AG while both representing the private interests of Hynie and others should be granted.

The grounds of this motion are that the mighty power of the State of South Carolina, placed in the private hands of Wingate and Bauknight, has been used to abuse and deny the Due Process, First Amendment and Freedom of Information Act ("FOIA") rights of Pope and others.

Background

This action was commenced on May 19, 2010 by Wingate, representing Tommie Rae Hynie, a non-resident of South Carolina, several other private plaintiffs (including minors) and purportedly the State of South Carolina through its then-Attorney General Henry McMaster. Among the Wingate clients was Russell L. Bauknight in four or more separate and fiduciary capacities. Among them, Bauknight represented that he brought this action on behalf of the State/AG.

In November 2010 the State/AG and Bauknight on behalf of the State/AG moved for relief from default as to Pope's counterclaims for abuse of process, civil conspiracy fraud under § 62-1-106 and intentional interference with contract. That motion is still pending.

On January 12, 2011 Alan Wilson became AG.

No attorney with the office of AG McMaster or AG Wilson has appeared of counsel in this case.

In the summer of 2011 Defendant Pope filed two FOIA suits in Newberry County, where she lives and works. Pope alleges that the documents she seeks under FOIA and in those suits will reveal impropriety within the Office of Attorney General McMaster, including but not limited to:

- a. Facts about the State's participation and/or acquiescence in what Pope asserts is a fraudulent devaluation of James Brown's worldwide music empire at less than \$4.7 Million.
- b. Facts about why McMaster took more than two years to indict David Cannon; failed to indict him for \$5 Million of the \$17 Million he took; named him as a witness against Pope in this action while he was under indictment; and never tried him.
- c. Fact about whether AG Wilson's failure to seek restitution or jail time for Cannon is related to the actions of AG McMaster.
- d. Facts about why Bauknight, with the consent of the Attorney General, made false representations to the S.C. Supreme Court that Hynie's elective share claim was a "slam dunk;" that the Settling Children and Hynie have rights they do not have under the Federal Copyright Act; and that copyright termination rights are "all this case is about."
- e. Other troublesome facts about the AG/State's takeover of James Brown private property through the Legacy Trust which AG Wilson and Bauknight now assert is not subject to FOIA.

Since the filing of the FOIA suits, the actions of the Wingate, the State/AG and Bauknight as agent for the State/AG in this case have been unprecedented, to include:

- a. Not a single Plaintiff has consented to appear at deposition.
- b. The State/AG, in possession of more than a million pages of public

documents, has refused to allow discovery on non-confidential documents.

- c. Wingate has said that the public Litigation Retention Agreement by which he was hired to bring this tort suit against Pope cannot be disclosed.
- d. The State/AG reached a settlement with Defendant Buchanan in which the State is attempting to make Buchanan secretly abandon his duty to defend the Estate Plan of James Brown by promising not to seek reconsideration if the Supreme Court reaches a decision adverse to the "I Feel Good" private foundation as contained in Brown's valid estate plan.
- e. The State/AG and Bauknight as its agent have attempted to secrete from the general public and silence the media from discussing, everything that that has been done by the State/AG related to the Estate of James Brown and the James Brown 2000 Trust.
- f. Bauknight and the State/AG, after issuing hundreds of self-serving publicity pieces since the commencement of this action, have recently asked for guidance about publicity as the press is asking questions about McMaster's actions. [See Anderson, "State Sponsored Looting Appears to Continue in James Brown Estate Case," attached as Exhibit A]
- g. AG Wilson/Wingate have issued a subpoena to a journalist in Pope's hometown so broad and abusive that it has caught the attention of the *Columbia Journalism Review*. [See Exhibit B]

As part of the abuse, Wingate and others have moved to strike virtually every affidavit filed in this case or the FOIA cases, including those of:

- a. Jeff Smith, who asserts that FOIA should be followed so that he may continue writing about how devaluation of Brown's music empire by McMaster and Terry Brown, coupled with misapplication of the Federal Copyright Act, is destroying The James Brown "I Feel Good" Trust, James Brown private foundation.
- b. State Legislator Tom Young, reminding the Court that FOIA is intended to require production of public documents with a minimum of cost and delay.
- c. Former Editor Jeff MacDonald, about the importance of FOIA to a free society.

- d. Journalist Sue Summer about the right of the public to see documents so they can decide for themselves whether the actions of public officials are not just legal but wise or unwise.

The motions to strike, like the refusal of the State/AG to comply with FOIA and recent abusive subpoena served by AG Wilson/Wingate/Bauknight as Agent of the AG on journalist Summer, raise serious questions about whether AG Wilson is actively covering up what McMaster did. Large political contributions to Wilson and McMaster from players in the James Brown cases – including from Bauknight's counsel within days of a hearing related to voiding the Hynie "diary" Gag Orders – cast more doubt on the motivation behind the apparent continuing efforts to silence debate. As attributed to our State Treasurer in a *State* newspaper article of February 2, 2012: "The good ol' boys in Columbia are going to fight the notion of any transparency and accountability," Loftis said "twenty-six billion dollars is a lot of money and many people want their share of it." While James Brown's assets are only worth around \$100 Million, the same principles apply. Under the McMaster settlement, the State/AG claims control of all of it.

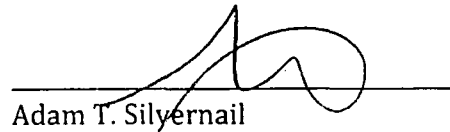
Our Supreme Court will decide whether the takeover of Brown's millions was legal. This Court must decide whether this suit was brought for the improper purpose of damaging Buchanan and Pope so badly they would abandon that appeal. Whether or not what McMaster did – and AG Wilson is doing – is legal, this Court and the jury will decide whether it was appropriate. The State/AG and Bauknight as its agent have submitted themselves to the jurisdiction of this Court and the Rules of Civil Procedure. Because they

carry the mighty power of the State, they should not be allowed to abuse that power or violate rights of the Defendant.

This return is based on the South Carolina Rules of Civil Procedure, all affidavits of Adele J. Pope on file herein (including the affidavits which are the subject of the motions to strike), any additional affidavits and filings which may be filed prior to the hearing on this matter, and the entire file herein.

Respectfully Submitted,

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September 14, 2012

Attorneys for Defendant

Estate of Denial[®]

EXHIBIT A

Shining light on the dark side of estate management

- [Home](#)
- [The Issue](#)
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← [In battle for Thomas Kinkade estate, girlfriend doesn't have a prayer](#)
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State-sponsored looting appears to continue in James Brown estate case (SC)

September 1, 2012

The “Godfather of Soul” James Brown’s estate continues in a series of troubling actions that only further solidify the scenario in which the state of South Carolina’s involvement appears as a hijacking. The situation has reached a new level as [Sue Summer: a freelance reporter for The Newberry Observer, has now been served with a far-reaching subpoena whose issuance and content strongly suggests an effort to silence her.](#)

Summer has largely been the only reporter covering the complex series of legal proceedings and questionable actions regarding Brown’s estate. In fact, [one of her recent articles picked up on the widely-read Wills, Trusts & Estates Prof Blog, generated these comments:](#)

The troubling matter about this dispute is that many news sources do not seem to be concerned with the lack of government accountability in this matter, even though there could be a clear violation of estate and government abuse. What’s worse is that these news sources might be intentionally distancing themselves from the story. There are a few legal blogs and reporters who are still reporting on this story, including [The Newberry Observer’s Stie Summer.](#)

The case absolutely calls into play questions over Brown’s (or potentially any other South Carolinians’) property rights including the ability to determine one’s final distribution of assets. It includes an apparent breach of his heirs’/beneficiaries’ rights of inheritance. Other actions of South Carolina officials reflect government transparency and accountability issues being ignored while an abounding appearance of legal impropriety thrives.

And freedom of the press is now under serious assault as one reporter credibly covering the case faces a subpoena asking for a ridiculous and highly inappropriate range of information. Also worth noting is how this action against a private citizen is occurring via a taxpayer-funded office that has shirked its own legally-mandated open government responsibilities repeatedly throughout the course of this case.

Click below to see the subpoena. The final page details information sought.

[SSsubpoena120823001.jpg](#)

[SSsubpoena120823002.jpg](#)

[SSsubpoena120823003.jpg](#)

[SSsubpoena120823004.jpg](#)

The James Brown estate case includes disgruntled family members, wannabe heirs and/or disingenuous legal professionals, parties routinely involved with Involuntary Redistribution of Assets actions. Traditional media sources have widely reported on the wrangling of Brown's heirs – the legitimate, the disinherited and the wannabe, but only Summer is reporting on the multi-layered legal industry machinations that commenced in the years following the singer's December 2006 death and continue today.

Estate of Denial[®] commended Summer's efforts in our Dead or alive – James Brown, Danny Tate show threats to property rights thrive column.

In 2000, Brown established the James Brown "I Feel Good" private foundation to provide scholarships for poor children in South Carolina and Georgia. Brown's estate plan reportedly stated that upon his death, "the proceeds of his music empire, including royalties to more than 800 songs, would be rolled into his 'I Feel Good' Trust." Attorneys Adele Pope and Robert Buchanan served from 2007 to 2009 as court-appointed fiduciaries of Brown's estate and trust which includes the "I Feel Good" trust. During Pope's tenure, Summer reported that Brown's music empire – per all previous Brown fiduciaries – was valued at about \$100 million less a \$15 million dollar debt.

Summer further wrote how in late 2008 or early 2009 former South Carolina Attorney General (AG) Henry McMaster and Columbia CPA Russell Bauknight created the "Legacy Trust." She quoted a Pope legal response describing the trust as "McMaster's vehicle to take control of Brown's assets and funnel \$50 million from the needy and deserving students James Brown intended to benefit to claimed heirs Brown intentionally disinherited from his worldwide music empire." AG McMaster appointed current trustee Russell Bauknight who serves at the pleasure of the attorney general. During this timeframe, the estate value was also revised to a reported \$4.7 million at-death appraisal despite, per Pope, the estate generating \$4 to 5 million a year in royalties alone prior to Brown's death.

And though Brown's will and trust included clauses excluding from distributions any parties that challenged his estate plan, McMaster ultimately negotiated a settlement deal giving away more than half of Brown's music empire to those Brown specifically disinherited, including his former companion Tommie Rae Hynie and about half of his alleged children. Summer described Tommie Rae Hynie as follows:

After Brown's death in 2006, Hynie claimed to be Brown's wife and sued his estate for a share of his \$100 million music empire. The two had exchanged vows in 2001, but Hynie was married to another man at the time. When Brown discovered her marriage, he sued Hynie for an annulment. The Aiken County case was settled when Hynie signed an agreement that she would never claim to be Brown's common-law wife.

With this backdrop, it's difficult to believe that Brown's final wishes are being honored. It's troubling that the state of South Carolina has been such a force in this action. Adele Pope appears to share such sentiments as she continues working to determine how private assets that were once part of a private foundation were then legally placed in an alleged public trust in violation of the asset owner's clear intention? And if it's a public trust, why can't the public access information revealing its details?

Pope has used Freedom of Information Act (FOIA) requests to attempt accessing copies of the trust and documentation regarding the \$4.7 million appraisal. The office of current Attorney General Alan Wilson – the office that prosecutes FOIA violations – has resisted all efforts. Instead, Summer reports, "Legacy" trustee Bauknight having "threatened Pope with legal action and sanctions if she continued to exercise her rights under the FOIA."

This past spring Pope received a subpoena related to the diaries of Tommie Rae Hynie. Specifically, Summer wrote, Pope is being asked to "turn over all written communications related to the Hynie diaries, including any communications with this reporter, any blogger, website or media outlet."

Summer's recent subpoena suggests a pattern emerging as stonewalling and legal gamesmanship continue in other aspects of the case.

Per a recent story in the Columbia Free Times, Jay Bender, a University of South Carolina journalism professor and First Amendment lawyer, says the subpoena issued to Summer is "overbroad" and was further quoted saying, "In the context of recognizing reporter privilege in South Carolina, it's entirely unsupportable." Bill Rogers, South Carolina's Press Association director, appears to concur calling the state's shield law "very good." Rogers additionally expressed how "it is a rare occurrence when a reporter can provide information not available from other sources" and termed such situations as "a test in our shield law." Rogers said, "Reporters are just that — not arms of the government."

Where this case will go is anyone's guess. Meanwhile, as Wilson or any of his agents use authority derived from and financed by state of South Carolina taxpayers to take any action in any capacity of this case, the growing number of public policy implications will be analyzed. If the media continues "intentionally distancing themselves" as appears to be the case, perhaps taxpayer advocates will find interest in their state's apparent government overreach, suspected abuse of taxpayer funds and the legal system as well as what appears to be obstruction of government transparency and freedom of the press issues.

Probate abuse is a lucrative part of an entrenched system deriving its power to act from a protectionist legal industry that often includes corrupt government officials and courts. Questionable probate actions with such strong state-sponsored involvement present serious danger that should alert the public regarding the safety of its own property – whether in South Carolina or anywhere else.

Lou Ann Anderson is an advocate working to create awareness regarding the Texas probate system and its surrounding culture. She is the Online Producer at www.EstateofDenial.com, a Policy Advisor with [Americans for Prosperity – Texas](http://AmericansforProsperity-Texas.com) and a Director of [Women on the Wall](http://WomenontheWall.com). Lou Ann may be contacted at info@EstateofDenial.com.

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37

Commentary, Featured

EXHIBIT B

COLUMBIA JOURNALISM REVIEW

Strong Press, Strong Democracy

Behind the News — September 13, 2012 02:32 PM

James Brown estate case reporter slapped with subpoenas

The 60-year-old journalist believes South Carolina is attempting to hush her

By Hazel Sheffield

When the judges responsible for distributing the estate of the late musician James Brown started refusing freedom of information requests from the estate's former trustees last year, a 60-year-old, semi-retired freelance reporter named Sue Summer wondered why. She started reporting on the squabbles over Brown's estate for her local paper, the *Newberry Observer*, when she wasn't caring for her granddaughter. In the year since her first story ran, Summer believes the attorney general—and therefore the state—has attempted to stop her digging three times, culminating in an extremely broad subpoena issued last month that lists the attorney general as a plaintiff. It requests that she turn over all her on- and off-the-record material pertaining to the case.

This latest subpoena comes after the Facebook page Summer made to document her reporting was taken down after she published a piece in March detailing seven ways Attorney General Alan Wilson allegedly violated the Freedom Of Information Act, she told CJR. (The page has since been reinstated.) In May, Summer received her first subpoena, from the lawyers of a woman called Tommie Rae Hynie, who claims she was married to James Brown at the time of his death. The subpoena specifically demanded all of Summer's reporting on Hynie's diary, which is seen as key to the case. The newest subpoena, issued on behalf of Brown's children, was served on August 22, with a deadline of October 26.

"This is the third attempt to make me go away," said Summer, who believes the subpoenas are being issued to scare her off the case. "They want me to hush very quickly."

Brown died on Christmas Day, 2006, leaving behind strict instructions about how his estate should be distributed. He intended for most of his money to go towards founding the "I Feel Good" trust, which would provide scholarships to needy children in South Carolina and Georgia. He also made provisions for six of his children—he may have as many as 12—and

asked that a family education trust be held for seven designated grandchildren. He left nothing to Hynie.

But when one of the three trustees chosen by Brown to enact his wishes was accused of siphoning off millions of dollars from the trust in November 2007, then-South Carolina Attorney General Henry McMaster intervened to appoint new ones. McMaster himself drew up a settlement deal called the Legacy Trust in 2009, which reduced the funding for Brown's "I Feel Good" charity. When McMaster refused FOI requests from former trustees to release the details of the Legacy Trust and information on how the estate was valued in August 2011, Summer first became interested in the case.

McMaster also redirected some 23.5 percent of Brown's estate to Hynie. Part of Summer's reporting included two unnamed sources who confirmed that Hynie was already married when she exchanged vows with Brown and that she knew her marriage to the singer was a sham.

"These stories don't just drop off a tree in your backyard!" Summer said. "I live in a small town. I write for the *Newberry Magazine*, I write for the paper, I host a radio show, and the fact that it came here... wouldn't you have wanted to do it?"

When Summer was served with her second subpoena in August, she said that she felt she was missing a part of the story—why would the state make repeated efforts to discourage her from publicizing the case? She took a closer look at the attorney general Alan Wilson's re-election campaign contributions from July (Wilson took over from McMaster as attorney general last year). Two coincidences caught her eye.

On the day of Summer's subpoena hearing in May, Wilson—who is responsible for deciding the final distribution of the estate—received election campaign contributions from a law firm who have hired private practice lawyers to secure Tommie Rae Hynie a share. (Wilson did not respond to a request for comment.) Summer also discovered that one of Hynie's two high-powered attorneys teaches law at the University of South Carolina where McMaster has worked as a fundraiser since finishing his AG term.

"It certainly raises an eyebrow," Summer said. "As a matter of fact, Wilson was on a bus tour promoting transparency in government on the very day that I was issued a subpoena by his lawyer."

Lou Ann Anderson, a journalist in Texas who founded estateofdenial.com in 2007 to document probate cases in the courts, told CJR that the Brown case looks particularly bad on the state. "The idea that assets appear to be being diverted from intended beneficiaries and have been rediverted to unintended parties or outside parties, i.e. the lawyers—that happens regularly. The fact that this is all being orchestrated by a state government—that is unusual," Anderson said.

"This AG office appears to be helping to finance a certain number of lawyers who are then going out and hiring private practice lawyers to pursue this. We say 'appears,' because with them

being unwilling to comply with these FOI requests, we can't know. They really are looking to have their cake and eat it. They don't want to comply with this, but at the same time they're targeting this reporter, wanting her to give up her rights," Anderson said.

The *Newberry Observer* is not offering Summer legal counsel at this time. She is being represented by the South Carolina Press Association. Summer, the only journalist in South Carolina reporting on the case, fears that weakened regional newsrooms mean fewer resources are available to keep state governments in check.

"After a year, after seeing the violations of the Freedom Of Information Act, after seeing what they've tried to do to the Shield Law, the one thing that I am convinced of at this point is that the traditional watchdog of the FOIA has always been newspapers," Summer said. "But we are now in such a weakened position, I don't know that we can fulfill that function as well as we did in the past, and I'm concerned about that. There was a time when I would have been fighting to get a little piece of this story."

Summer's lawyer has issued a letter stating that she is protected from the subpoena under the Shield Law, which gives reporters the right to refuse to testify. They have not had any response. Summer said she will continue to report on the case.

Appendix

The Exhibits to this Appendix listed below are contained in the Appendix of Tommie Rae Hynie.

Exhibit 9 - Affidavit of Adele J. Pope dated September 12, 2011 [HW-T]

Exhibit 10 - Affidavit of Adele J. Pope dated May 1, 2011 [HW-S]

**COPY
ORIGINAL FILED**

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

MAY 17 2012



) IN THE COURT OF COMMON PLEAS
) CASE NUMBER 2007-CP-02-0122

**AIKEN COUNTY
CLERK OF COURT**

IN RE: THE ESTATE OF JAMES BROWN
a/k/a JAMES JOSEPH BROWN

) Affidavit of Adele J. Pope
) Supporting Quashing Subpoena
) and Unsealing of Hynie
) and James Brown Documents

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

deposes and says:

1. At 8:45 last Friday night I was served with a subpoena directing me to appear at the hearing to be held on the Tommie Rae Hynie diaries on May 22, 2012.
2. The subpoena, directing me to search 5 years of records, is extremely burdensome.
3. I am informed and believe that Hynie seeks to punish and intimidate me for defending James Brown's Estate Plan; challenging the \$4.7 Million value she and Terry Brown placed on Brown's worldwide music empire; and asserting she was not Brown's spouse.
4. In 2008 Hynie asserted Mr. Dallas and others committed a crime by disseminating the diaries; but, so far as I know, she never filed a criminal complaint - or even asked for a hearing.
5. I am informed and believe that the Diary Orders must be considered void, expired or of no effect. Otherwise, it would mean:
 - a. The Attorney General could not protect The James Brown "I Feel Good" from Hynie's false claim to be Brown's spouse.
 - b. The current PR, deprived of the information known to others, might make false representations to the IRS and Courts about Hynie's civil status.
 - c. Bob Buchanan and I could not protect ourselves against Hynies' false accusations.
 - d. Hynie and Terry could commit fraud upon the Courts with impunity.
 - e. My Due Process and First Amendment rights -- and those of perhaps 100 others -- would be violated.

f. The Attorney General of South Carolina, who has a copy of Tommie Rae's diaries, could not comply with the South Carolina Freedom of Information Act ("FOIA")

6. I am informed and believe the Diary Orders either expired in March 2008 or should be declared void for vagueness, being over-broad, and other reasons.

7. I do not take lightly Hynie and Terry Brown's false allegations against Bob and me, and believe I should be entitled to every truthful defense – including that she is not the spouse.

8. I have asked the Attorney General of South Carolina to join me in unsealing documents about Hynie's civil status and the fabricated \$4.7 Million value, and I hope he will.

9. I am not the source of media accounts of the contents of Tommie Rae's diaries, but support their disclosure to prevent further fraud and deception.

10. On February 20, 2008 Tommie Rae's counsel argued:

MY CLIENT LIVED WITH JAMES BROWN, WHETHER SHE WAS MARRIED TO HIM OR NOT....

THE DIARIES ARE NOW STOLEN GOODS. WE NOW HAVE A CRIME OF –

11. Judge Early said:

THE COURT: WE'RE JUST HAVING A GENERAL DISCUSSION. I AM GOING TO HAVE A FULL-BLOWN HEARING ON IT AFTER 10 DAYS. ...
[Emphasis supplied.]

12. Wayne Byrd, Esq., counsel for Messrs. Dallas and Bradley, who widely disseminated the diaries, said:

THESE PEOPLE – THAT IS, BRADLEY, CANNON, AND DALLAS –WHATEVER MISTAKES THEY MADE, WHATEVER ERRORS IN JUDGMENT THEY MADE IS NOT RELATED TO THIS. THEY CONCLUDED THAT THERE WAS INFORMATION IN THOSE JOURNALS IN HER WRITINGS THAT WERE CONTRARY TO HER POSITION THAT SHE WAS MARRIED TO JAMES BROWN. NOW, THEY THOUGHT THAT WAS AND I AGREE WITH THEM THAT THAT WAS IMPORTANT, NECESSARY TO THE ADMINISTRATION OF THE ESTATE.
[Emphasis supplied.]

13. I am in complete agreement with Mr. Byrd.

14. I believe that James Brown had many longtime friends who know of the contents of Tommie Rae's diaries and hold valuable information about his vasectomy and other proof that Tommie Rae has committed fraud. They include: Buddy Dallas, Andre Moses White and Al Sharpton – all of whom have been named by Tommie Rae as witnesses against Bob Buchanan and me. Why should they be prevented from telling the truth?

15. I believe Tommie Rae and Terry have perpetrated at least three material falsehoods on the Courts, which are:

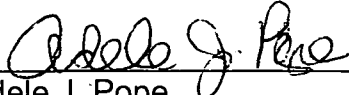
- a. Tommie Rae was Brown's spouse;
- b. James Brown's worldwide music empire was worth less than \$4.7 Million; and
- c. James Brown did not communicate with attorney Dewain Herring during the four years he and Mr. Herring were planning the "I Feel Good" foundation.

16. If voiding and Order that nobody followed and release of improperly sealed documents – as the longtime friend suggests – will help a current Attorney General get back \$25 Million for needy and deserving students which never should have been given to them, I believe it should be done.

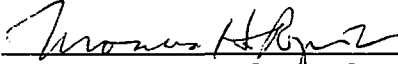
17. I ask the Court to quash the intrusive subpoena and issue its Order as follows:

- a. The Orders of Doyet A. Early, III, dated February 20, 2008 and March 7, 2008 (2) related to the diaries of Tommie Rae Brown are hereby declared void and of no further effect; and
- b. All documents on file in any Aiken County Court related to James Brown, the Estate of James Brown or Tommie Rae Hynie Brown, shall be unsealed ten (10) from the date hereof unless proper application is made to seal them.

FURTHER DEPONENT SAYETH NOT.


Adele J. Pope

SWORN TO BEFORE ME THIS 15th Day
of May, 2012

 (Seal)
Notary Public for South Carolina
My commission expires 3-28-22

Exhibits:

- Exhibit A - 1-page Order dated February 20, 2008
- Exhibits B, B-1 - Two 1-page Orders dated March 7, 2008
- Exhibit C - Excerpts, Transcript of Record, Case 2007-CP-02-0122, Feb. 20, 2008
- Exhibit D - Article EURweb dtd. May 14, 2012
- Exhibit E - Article, Estate of Denial dtd. May 6, 2012
- Exhibit F - Letter of Pope to Attorney General Wilson dtd. May 11, 2012
- Exhibit G - Letter of Pope to Attorney General Wilson dtd. May 12, 2012
- Exhibit H - Copy Letter and Affidavit of Albert H. Dallas dtd. May 1, 2012.
- Exhibit I - Letter of Dewain Herring, Esq. to James Brown dtd April 17, 1998

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11-11-11

11-11-11

Exhibit A

MAY 17 2012

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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

AIKEN COUNTY
COURT OF COURT
IN THE PROBATE COURT
CASE NUMBER: 2007-ES-02-0056

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2007-CP-02-0122

IN RE: THE ESTATE OF)
JAMES BROWN)
a/k/a JAMES JOSEPH BROWN)

ORDER RE: PETITIONER
TOMMIE RAE BROWN'S
MOTION FOR PROTECTIVE ORDER


COURT REPORTER: LANA R. McMANUS, CSR

This matter came before the Court on Petitioner Tommie Rae Brown's Motion for a Protective Order. All counsel were duly notified. The Court heard the motion via telephone conference on Thursday, February 14, 2008.

The Court stays the deposition of Tommie Rae Brown scheduled for February 18, 2008 pending resolution of the status of the former personal representatives, Messrs. Dallas and Bradley. All counsel, including Mr. David Bell, who noticed the deposition, will be protected on the timeframe for taking Mrs. Brown's deposition regardless of any scheduling Order or other Order of the Court.

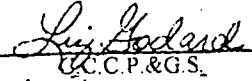
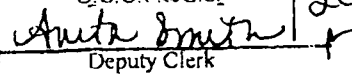
The Court issued an oral Order restraining all counsel and all parties from disseminating Mrs. Brown's diary or transcript thereof or any other privileged material owned by Mrs. Brown. The present and former Personal Representatives will not disseminate the diary or transcripts thereof whether or not originals or copies of same are in the Wells privilege box.

AND IT IS SO ORDERED.


Doyet A. Early, III
Resident Judge
Second Judicial Circuit FILED 2-20-08

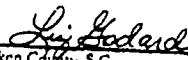
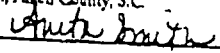
Feb 20, 2008

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this


Liz Godard
C.C.P. & G.S.

Anita Smith
Deputy Clerk

G:\ARLF\8083\Disc\Order re TRB Mot for Prot Ord re DEPO.doc

FEB 20 2008


Liz Godard
C.C.P. & G. S., Aiken County, S.C.

Anita Smith
Deputy Clerk

COPY ORIGINAL FILED

Exhibit B

MAY 17 2012

AIKEN COUNTY CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE PROBATE COURT
CASE NUMBER: 2007-ES-02-0056

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2007-CP-02-0122

IN RE: THE ESTATE OF)
JAMES BROWN)
a/k/a JAMES JOSEPH BROWN)

SECOND ORDER RE: PETITIONER
TOMMIE RAE BROWN'S
MOTION FOR PROTECTIVE ORDER

DATE OF HEARING:
PRESIDING JUDGE:
COURT REPORTER:

DOYET A. EARLY

This matter comes before the Court on several Motions filed by Tommie Rae Brown: Motion for a Protective Order dated February 13, 2008; Motion for Protective Order, Sanctions and Fees dated February 18, 2008; and Motion to Require All Prior and Current Personal Representatives and Others to Return Diaries dated February 15, 2008.

All parties and all counsel agree that the original ~~and all copies~~ of Tommie Rae's diaries will be placed in the possession of Tommie Rae Brown's counsel, Robert N. Rosen, who will hold these items as an officer of the court pending further order of the Court. No party shall use the information in the diaries for any purpose pending further order of the Court. All agents for all parties or counsel, or former counsel or former personal representatives, including all investigators, shall turn over all diaries of Tommie Rae Brown and all copies thereof to the Clerk of Court. No party or counsel will disseminate the diaries or copies thereof.

No party waives any position on the admissibility or the discoverability of the diaries or copies. No party admits any liability for any improper or actionable act of any kind and all parties deny same.

The former personal representatives (Mr. Bradley, Mr. Cannon, and Mr. Dallas) will file an affidavit with the Court within 30 days explaining in detail how they came into possession of Tommie Rae Brown's diaries and any other personal papers or documents.

The motions will be held in abeyance pending further order of the Court.

The Personal Representatives have possession of 90 boxes of documents. Only counsel of record or paralegals or associates under the direct control of counsel of record in this case shall have access to the boxes without imposing on anyone the responsibility to search, if diaries or copies thereof are found in the boxes, any party and counsel (or their agent) finding them shall promptly turn them over to ~~Mr. Rosen~~ the Clerk of

AND IT IS SO ORDERED.

Doyet A. Early, III
Resident Judge
Second Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

MAR 19 2008

C.C.P. & G.A. Aiken County, SC

Deputy Clerk

47

5:10pm

COPY ORIGINAL FILED

Exhibit B1

MAY 17 2012

AIKEN COUNTY CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN RE: THE ESTATE OF)
JAMES BROWN)
a/k/a JAMES JOSEPH BROWN)

IN THE PROBATE COURT
CASE NUMBER: 2007-ES-02-0056

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2007-CP-02-0122


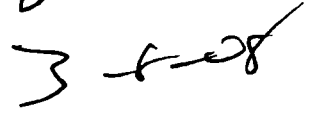
ORDER REGARDING PETITIONER
TOMMIE RAE BROWN'S DIARIES

DATE OF HEARING: FEBRUARY 20, 2008
PRESIDING JUDGE: DOYET A. EARLY
COURT REPORTER: LISA A. HICKLIN

This matter came before the Court on February 20, 2008, upon motion of Tommie Rae Brown for the return of her personal diaries and all copies thereof.

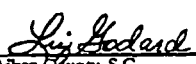
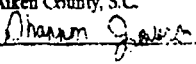
At that time, the Court issued an oral Order which the Court now reduces to writing requiring that all original diaries of Tommie Rae Brown be turned over to her counsel, Robert N. Rosen, immediately and that all counsel, former counsel, parties, former parties, personal representatives and trustees and former personal representatives and trustees and all of their agents and investigators and any other person in possession of a copy or copies of Tommie Rae Brown's diaries are restrained from disseminating or giving said copies to anyone or allowing any person to read said copies, pending further Order of the Court.

AND IT IS SO ORDERED.


Doyet A. Early, III
Resident Judge
Second Judicial Circuit 

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

MAR 10 2008


Liz Godard
C.C.C.P. & G.A., Aiken County, S.C.

Deputy Clerk

37 8

5.10pm

COPY
ORIGINAL FILED

MAY 17 2012 *gbl*

AIKEN COUNTY
CLERK OF COURT

Exhibit C

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

COURT OF COMMON PLEAS
07-CP-02-122

IN RE: ESTATE OF JAMES BROWN)
A/K/A JAMES JOSEPH BROWN)
)
)
)

TRANSCRIPT OF RECORD

FEBRUARY 20, 2008
AIKEN, SOUTH CAROLINA

B E F O R E:

THE HONORABLE DOYET A. EARLY, III, JUDGE.

A P P E A R A N C E S:

LOUIS LEVENSON, ESQ.
ATTORNEY FOR THE THE HEIRS

ROBERT N. ROSEN, ESQ.
DAVID L. MICHEL, ESQ.
S. ALAN MEDLIN, SQ.
ATTORNEYS FOR THE TOMI RAE HYNIE BROWN

ADELE J. POPE, ESQ.
ROBERT L. BUCHANAN, JR., ESQ.
SPECIAL ADMINISTRATORS

A PETER SHAHID, JR., ESQ.
ATTORNEY FOR THE GUARDIAN AD LITEM

ERIC STEVEN BLAND, ESQ.
RONALD L. RICHTER, ESQ.
GREGORY P. HARRIS, ESQ.
ATTORNEYS FOR MR. CANNON

1 TODAY IS THIS. I DON'T MIND TAKING TESTIMONY, BUT I'D,
2 FRANKLY, LIKE TO STATE WHAT I THINK ARE THE FACTS AND OUR
3 POSITION ON THE LAW, AND THEN I'D LIKE FOR ANY LAWYER
4 WHO'S TOUCHED THESE DIARIES AND KNOWS ANYTHING ABOUT THESE
5 DIARIES TO REPRESENT TO THE COURT THE FACTS AS THEY KNOW
6 THEM BECAUSE THESE ARE THE FACTS AS I KNOW THEM.

7 MY CLIENT LIVED WITH JAMES BROWN. WHETHER SHE WAS
8 MARRIED TO HIM OR NOT, THERE IS NO DISPUTE THAT SHE LIVED
9 IN THE HOUSE WITH HIM. SHE HAD HER OWN BEDROOM FOR HER
10 AND HER SON AND SHE HAD A BEDROOM WITH HIM. THESE DIARIES
11 WERE IN A TABLE NEXT TO HER BED. WHEN HE DIED SHE WAS
12 NEVER ALLOWED BACK IN THE HOUSE AS THE ENTIRE WORLD KNOWS
13 AND THESE DIARIES WERE TAKEN -- WERE STOLEN BY SOMEBODY
14 AND I'D LIKE TO KNOW WHO THAT PERSON IS BECAUSE THERE ARE
15 GOING TO BE REPERCUSSIONS FROM THAT. SOMEBODY WENT INTO
16 HER ROOM AND STOLD HER DIARIES AND PROBABLY A LOT OF OTHER
17 THINGS, BUT WE KNOW THEY STOLD THE DIARIES.

18 THE DIARIES ARE NOW STOLEN GOODS. WE NOW HAVE A
19 CRIME OF --

20 THE COURT: THAT'S YOUR CHARACTERIZATION OF IT.

21 MR. ROSEN: THAT'S MY CHARACTERIZATION OF IT. THAT
22 PERSON, WHOEVER IT IS, GAVE IT TO THE PERSONAL
23 REPRESENTATIVES BECAUSE WE KNOW -- AND I'VE ASKED THE
24 COURT REPORTER TO MARK AS EXHIBIT 1 A LETTER FROM R. WAYNE
25 BYRD OF TURNER PADGETT WHICH I'LL READ INTO THE RECORD.

49-A

1 INTO THIS -- THE STORAGE PODS.

2 I WOULD ALSO REMIND YOU THAT ON AUGUST 10 YOU ISSUED
3 AN ORDER REQUIRING THE PERSONAL REPRESENTATIVES AND
4 TRUSTEES INCLUDING MR. DALLAS AND MR. BRADLEY TO TURN OVER
5 ALL DOCUMENTS, ET CETERA, TO MRS. POPE.

6 THE COURT: WAS THE DIARY IN THE HOUSE WHEN I LET HER
7 BACK IN? WHEN I INITIALLY LET HER IN, WAS THE DIARY
8 ALREADY REMOVED AT THAT TIME?

9 MR. ROSEN: I DON'T KNOW THE ANSWER TO THAT, BUT I
10 DOUBT IT.

11 MR. MEDLIN: YOUR HONOR, WE WEREN'T ALLOWED TO TAKE
12 ANY PICTURES OR VIDEO. WE WERE JUST ALLOWED --

13 THE COURT: THAT'S CORRECT. SO, WHERE IS THE DIARY
14 NOW? MRS. POPE AND THOSE HAVE IT UNDER THE WELLS BOX?

15 MRS. POPE: YOUR HONOR, IF I COULD SPEAK WITH THE
16 RIGHT TO SUPPLEMENT --

17 THE COURT: WE'RE JUST HAVING A GENERAL DISCUSSION.

18 I AM GOING TO HAVE A FULL-BLOWN HEARING ON IT AFTER 10

19 DAYS. HOLD ON BEFORE I ASK YOU THAT QUESTION. WHAT I

20 WANT TO DO TODAY IS TO MAKE SURE WHOEVER HAS THE DIARY

21 THAT IT REMAINS UNDER LOCK AND KEY UNTIL WE CAN HEAR

22 MR. ROSEN'S MOTION IN FULL. ANYBODY HAVE ANY PROBLEM WITH
23 THAT?

24 MRS. POPE: I DON'T HAVE A PROBLEM WITH THE BOX THAT
25 MR. MEDLIN WENT THROUGH. YOU AND I CAN GO BACK TO MY

1 FULL --

2 MR. BYRD: THERE IS STATUTORY AUTHORITY THAT
3 REQUIRES, NOTWITHSTANDING MR. MEDLIN'S ARGUMENT TO THE
4 CONTRARY, THAT PERSONAL REPRESENTATIVES -- EVEN IF IT IS
5 ACKNOWLEDGED TO BE SOMEBODY ELSE'S PROPERTY, IF THEY THINK
6 IT'S IMPORTANT, NECESSARY TO THE ADMINISTRATION OF THE
7 ESTATE TO WITHHOLD IT. THE STATUTE 62-3-709 CLEARLY
8 STATES THAT.

9 THESE PEOPLE -- THAT IS, BRADLEY, CANNON, AND
10 DALLAS -- WHATEVER MISTAKES THEY MADE, WHATEVER ERRORS IN
11 JUDGMENT THEY MADE IS NOT RELATED TO THIS. THEY CONCLUDED
12 THAT THERE WAS INFORMATION IN THOSE JOURNALS IN HER
13 WRITINGS THAT WERE CONTRARY TO HER POSITION THAT SHE WAS
14 MARRIED TO JAMES BROWN. NOW, THEY THOUGHT THAT WAS AND I
15 AGREE WITH THEM THAT THAT WAS IMPORTANT, NECESSARY TO THE
16 ADMINISTRATION OF THE ESTATE.

17 SO, FOR YOUR HONOR TO ISSUE AN ORDER TODAY BEFORE
18 WE'VE HAD A FULL HEARING ON THIS REQUIRING ALL OF THESE
19 COPIES -- ALL OF THEM TO BE TURNED OVER TO MR. ROSEN, I
20 WOULD JUST ASK --

21 THE COURT: I DIDN'T SAY I WAS GOING TO DO THAT.

22 MR. MEDLIN: YOUR HONOR, MAY I RESPOND TO THAT?

23 THE COURT: BRIEFLY.

24 MR. MEDLIN: WITH ALL DUE RESPECT, THAT IS AN ABSURD
25 READING OF 62-3-709.

Exhibit D

TRAYVON MARTIN UPDATES: 'Unidentified Entrepreneur' Selling Trayvon Martin Targets Online - Smiley Takes on O'Reilly over Fox News' Coverage of Trayvon (Video) - Million Hoodies Creator, Trayvon Parents Take Me!

\$1000/day Click Here
Cash to your door -- or call 951-262-3789

James Brown Probate Update: Attorneys Subpoena Info About 'Explosive' Diaries

May 14, 2012 [Leave a Comment](#)

By Sue Sumner for The Newberry Observer (EURweb publication by permission)

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MAY 17 2012

AIKEN COUNTY CLERK OF COURT



For those who've been keeping track of the James Brown probate case, or if you're simply interested in know where things stand now 6 years after his death, this report for the Newberry Observer, from writer Sue Sumner, should bring you up to date on all the drama. [x]

*On Friday night (05-11-12) former James Brown trustee – Adele Pope of Newberry, South Carolina – was served with a subpoena related to the diaries of Brown's former companion, Tommie Rae Hynie.

Pope is being asked to turn over all written communications related to the Hynie diaries, including any communications with this reporter, any "blogger, website or media outlet."

The Observer has requested a copy of the diaries from Attorney General (AG) Alan Wilson under the Freedom of Information Act (FOIA), but the request was refused in March.

In a telephone interview in November, 2011, a longtime friend of music icon James Brown characterized the Hynie diaries as "explosive."

After Brown's death in 2006, Hynie claimed to be Brown's wife and sued his estate for a share of his \$100 million music empire. The two had exchanged vows in 2001, but Hynie was married to another man at the time. When Brown discovered her marriage, he sued Hynie for an annulment. The Aiken County case was settled when Hynie signed an agreement that she would never claim to be Brown's common-law wife.

Brown's will and trust contain clauses that say anyone who challenges his estate plan receives nothing—but those clauses were not enforced by former Attorney General (AG) Henry McMaster. Instead, McMaster worked a settlement deal that gave away over half of Brown's music empire to those he specifically disinherited, including Hynie and about half of his alleged children.

Under Brown's estate plan, the six named children received his household and personal effects, and certain grandchildren under age 35 were given education funds of up to \$285,000 each. The bulk of Brown's music empire was to provide scholarships for needy and deserving students in South Carolina and Georgia through the "I Feel Good" Trust.

The McMaster settlement deal was appealed to the S.C. Supreme Court by Pope and co-trustee, Robert Buchanan of Aiken. During the hearing on No "Sonny" Jones was questioned sharply by the court regarding the AG's investigation into Hynie's claim to be Brown's wife.

A longtime friend of Brown's, during a telephone interview, suggested that the diaries could be key in disallowing Hynie's claim and returning about \$2 trust for needy and deserving children.

The diaries had been available to all parties early in the case, but Judge Doyet Early ordered the original returned to Hynie's attorney, Robert Rosen, and copies delivered to the Clerk of Court— until a hearing was held.

Judge Early's order was issued in February of 2008—four years ago—but no further hearing has been held.

Pope, who served as Brown trustee from late 2007 to 2009, is an attorney who has represented herself in a number of the Aiken County proceedings before Judge Early. On May 11 and May 12, Pope sent letters to the S.C. Attorney General, urging Wilson to consent to the release of all documents related to Hynie's claim to be Brown's spouse. Pope also requested that Wilson release documents related to a \$4.7 million at-death appraisal of Brown's music empire.

The current trustee, Russell Bauknight of Columbia, obtained the appraisal but has refused to deliver copies—and he has refused to name the appraiser.

Brown's music empire was earning \$4-5 million a year in royalties before his death.

Pope declined to comment but provided the Observer with copies of the subpoena and her letters to the Attorney General

Exhibit E

Estate of Denial®

Shining light on the dark side of estate management

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MAY 17 2012 *gso*

**AIKEN COUNTY
CLERK OF COURT**

← [Courtney Love loses rights to Kurt's image](#)
[Bookkeeper indicted for stealing \\$2.6M from estates without wills \(NY\)](#) →

James Brown diaries FOIA request to be decided (SC)

May 6, 2012



Another Freedom of Information Act (FOIA) request for documents related to the estate of music legend James Brown—this time, for the diaries of Brown companion Tommie Rae Hynie—has been denied by S.C. Attorney General (AG) Alan Wilson.

A March 26 letter from senior assistant AG Tracy Meyers denies the release of Hynie's diaries because of an order issued four years ago by Judge Doyet A. Early III of Aiken. The letter included a copy of the order, dated Feb. 20, 2008, which says in part the diaries are not to be disseminated "pending further order of the court."

Copies of the Hynie diaries were generally available early in the Brown estate case, but Judge Early ordered the copies taken up and returned to Hynie's attorney.

The letter from Meyers does not deny that the AG's office has a copy of the diaries, nor does the AG's office argue that the diaries are not public documents.

According to a long-time friend of Brown, the "explosive" diaries provided important evidence that Hynie was not Brown's wife and she knew she was not: in her own handwriting, she recorded how she begged and pleaded with Brown to marry her.

Hynie and Brown had exchanged vows in 2001, but she was married to another man at the time.

After Brown's death in December of 2006, however, Hynie claimed to be Brown's widow and contested his estate plan, as did some of Brown's more than a dozen claimed children who were excluded from inheriting his music empire.

Under his estate plan, Brown gave to six named children his personal and household effects, and he set up education funds for their children. His \$100 million music empire was left to the "I Feel Good" Trust for the purpose of educating needy and deserving students in South Carolina and Georgia.

Both his will and trust include clauses that say anyone who contests the estate plan will receive nothing. Former AG Henry McMaster, however, rewrote Brown's estate plan and gave away over half of Brown's music empire to those Brown had excluded from inheriting it.

A longtime Brown friend said Hynie's "explosive" diaries provide ample evidence that the AG's office should not have included Hynie in a settlement deal.

The deal was appealed by Newberry resident Adele Pope and Aiken attorney Robert Buchanan, who served as Brown trustees from late 2007 to 2009. During Nov. 1 arguments before the Supreme Court, Justice Jean Toal grilled assistant AG "Sonny" Jones with questions about the failure of the AG's office to investigate Hynie's spousal claim more fully.

After Pope and Buchanan filed the appeal, they were sued for tens of millions of dollars by the AG and parties to the settlement. AG Wilson is represented in the lawsuit by contingency-fee attorney Ken Wingate of Columbia.

On Monday, April 23, Pope appeared before Judge Early and filed a brief requesting that he release the Hynie diaries "and any other documents sealed without proper findings which will aid in ... defense of claims ... in Richland County, simply by allowing the truth to flow to that Court."

Judge Early announced Monday that he would conduct a hearing on whether to release the diaries.

The Supreme Court has not yet issued an opinion in the Buchanan/Pope appeal, and the Wingate case in Richland County has not yet been heard.

Over the past few months, the AG's Office has stonewalled The Observer's FOIA requests for several public documents, including the McMaster/Wingate "contract" to sue Buchanan/Pope, even though: the AG is listed as a Plaintiff; the contract was negotiated by employees of the AG's office, being paid with taxpayer dollars; the suit was filed by a trustee who serves at the AG's pleasure; the contract itself includes a clause that states the document is public and falls under the FOIA. There is some question whether the contingency contract is signed, as required by ethics rulings of the S.C. Supreme Court.

The AG's office also refused to release a copy of the "Legacy Trust," which was written not by James Brown but by former AG Henry McMaster. AG Wilson claims the "Legacy Trust" is a private document.

Also denied was a request for documents related to the current trustee's \$4.7 million at-death valuation of Brown's music empire. Brown's music empire was receiving royalties of \$4-5 million a year, and all previous trustees had used a value closer to that of an offer received before the settlement, \$100 million.

Under the settlement deal, McMaster gave Brown's son Terry the right to purchase Brown's music

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

Exhibit F

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MAY 17 2012 *gpl*

**AIKEN COUNTY
CLERK OF COURT**

May 11, 2012

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

Re: Aiken County Case No. 2008-CP-02-1425 ("Case 1425");
Terry Brown's false \$4.7 Million value of James Brown's
worldwide music empire, and related fraud on the Courts

Dear Attorney General Wilson:

I returned yesterday from being out of the County to Mr. McIntosh's letter of May 1 refusing, on your behalf, to respond to my concerns about fraud related to the James Brown Estate and 2000 Trust by Terry Brown, the Cannon Group trustees and others.

As the article by Jeff Smith and myself which I sent you shows, the fraudulent scheme of Terry Brown to devalue to less than \$4.7 Million – then buy – James Brown's \$100 Million music empire threatens to destroy the approximately \$80 Million James Brown gave to The James Brown "I Feel Good" private foundation for scholarships for needy and deserving students.

When coupled with the knowingly false assertion by Tommie Rae Hynie that she was Brown's spouse, Terry's fraudulent valuation and purchase of the music empire at a fabricated "fair market value" will leave the "I Feel Good" foundation less than \$2 Million. As a result of Terry's fraud, 70+ of South Carolina's most experienced and expensive lawyers – and some from Atlanta – will share with their clients the \$80 Million or more taken from the needy students.

Has the Attorney General's Office changed its policy to refuse to communicate with citizens who are concerned about fraud against Charities and the taxing authorities?

In 2008 Bob Buchanan and I had lawyers, but communicated directly and frequently with Attorney General McMaster and others in your office. Our correspondence – particularly between May and July of 2008 – expressed our grave concern that AG McMaster was taking the side of the Cannon Group trustees, even though it was already known that Cannon had taken more than \$12 Million, and he and Mr. Dallas had fabricated a post-death Schedule to the 2000 Trust.

I think Mr. McIntosh may have attended a May 2008 meeting we had with Mr.

Ltr. to Attorney General Wilson
May 11, 2012
Page 2

McMaster, with no counsel, about matters related to Cannon's fraud and other things.

I do not recall the Attorney General's refusal to communicate with me because I had counsel. Nor do I believe any counsel has the authority to inhibit my ability as a citizen and a pro se lawyer to express and seek answers about:

- a. Terry Brown, his son Forlando and their joint venturer David Cannon betraying James Brown in the most despicable way – by destroying his noble gift to needy and deserving students while pretending to support it.
- b. Tommie Rae Hynie's assertion that she was Brown's spouse at death where she has knowledge – and the documents show – this is not true.
- c. Terry's fraudulent less-than \$4.7 Million valuation of Brown's worldwide music empire and scheme to take it from The James Brown "I Feel Good" Foundation.
- d. My fear that no private foundation is safe in South Carolina if Terry's scheme works.

I speak for myself and hold Terry Brown and his joint venturers – and not the 70+ lawyers (including about 10 from your office) – responsible for their schemes. But I must wonder:

Would 70 lawyers in 5 years really work to help their clients either "save" or scuttle a \$4.7 Million music empire?

I respectfully ask that you answer my letters of March 5, March 22 and March 30/April 1. I also ask that you grant me a meeting to speak to you about my grave concerns for the future of private philanthropy in South Carolina if Terry Brown's fraudulent scheme succeeds.

I do not know you personally, but hear from friends I trust that you are trying to carry out your high office with the dignity and skill it deserves. For that reason I hope when you see the documents and know the truth you will understand how important it is to end Forlando and Terry's fraud. It could even rescue James Brown's dream of creating a perpetual fund solely for scholarships for needy and deserving students.

Thank you for your consideration.

Sincerely,



Adele J. Pope

56



ALAN WILSON
ATTORNEY GENERAL

May 1, 2012

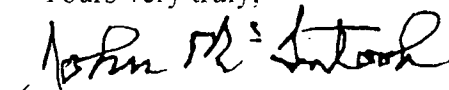
Adele J. Pope
Law Office of Adele J. Pope, PC
1228 Walnut Street
Newberry, South Carolina 29108

Re: Your recent letters to the Attorney General

Dear Mrs. Pope:

I am writing in response to your most recent letters to the Attorney General, one dated March 30, 2012, and one dated April 1, 2012, and in follow-up to my previous response to your letters of March 5, 2012, and March 22, 2012. My understanding is that you are represented by counsel in connection with the matters in your letters.

Yours very truly,


John W. McIntosh
Chief Deputy Attorney General

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

Exhibit G
COPY
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MAY 17 2012
Aiken County
CLERK OF COURT

May 12, 2012

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

Re: Release of Tommie Rae Diaries; \$4.7 Million "appraisal"
of James Brown music empire; and related documents

Dear Attorney General Wilson:

Last week, strangled by fabricated lawsuits of Tommie Rae Hynie, Terry and Forlando Brown, Bob Buchanan was compelled to choose his family, career and health over continuing his defense of James Brown's estate plan.

Bob's need to be paid what Jg. Early awarded him in 2008 left unanswered:

1. Was Bob right that Tommie Rae was not James Brown's wife?
2. Did Bob defraud the IRS and Supreme Court with an \$85 Million value of Brown's worldwide music empire? Or was the less-than \$4.7 Million valuation placed on it by Terry, Tommie Rae and their trustee the fraud?
3. Wasn't Brown's really worth about \$90 Million when Bob was replaced?

Last night at about 8:45 p.m. I was served with the enclosed subpoena, signed by counsel for Hynie, one of the more than 70 attorneys holding documents which will give answers to the above questions. Almost all seek to be paid from the music empire Terry, Tommie Rae and many now say was worth less than \$4.7 when Brown died.

The Office of the Attorney General of South Carolina holds or controls all documents necessary to tell the truth about whether Bob has committed the fraud – or whether it was others –including Terry, Forlando and their joint venturer David Cannon.

Won't you join me by releasing these documents – and agreeing that all sealed documents related to Terry's \$4.7 Million valuation and Tommie Rae's claimed status with respect to James Brown be made public so the truth will be known.

Thank you for your consideration.

Sincerely,

Adele Pope

Adele J. Pope

58

**Lawyers Employed by Attorney General/State of South Carolina
aiding Cannon, Tommie Rae, Terry by holding/refusing to release documents showing
James Brown's Music Empire worth \$85 Million or more/ Tommie Rae not spouse
(2006 - 2012)**

1. Attorney General Henry D. McMaster - term expired January 2011 - On February 10, 2008 reported in WIS-TV interview as follows:

With appeals, McMaster expects this battle [to save The James Brown "I Feel Good" private foundation] could go on for years. That means attorney fees could potentially whittle away money that could be used to educate poor kids.

McMaster says, "There is a concern some could be whittled away, but we think there is so much money involved because his name is so big and the rights to his image – really a valuable thing. We're trying to look at this long terms."

Four months later, with knowledge of the Tommie Rae's diaries, McMaster gave her 25% of Brown's music empire; took over Brown's assets; and has since concealed the diaries AND the less-than \$4.7 Million valuation.

2. Attorney General Alan Wilson - term commenced January 2011
3. Chief Deputy Attorney General John W. McIntosh
4. C. Havird "Sonny" Jones , Esq.:

On December 6, 2007 and thereafter communicated with all counsel in Case 122 about \$100 Million offer. [SEE: Aff. AJP, Case #1647, dtd 5/15/09, Exhibit A; Ltr. Buchanan/P to.Atty. General McMaster, 6/27/08]

5. Mary Frances Jowers, Esq.:

See memos, filings and notes from attendance at Buchanan/Pope PR/Trustee meetings confirming facts showing Tommie Rae not married to James Brown. Believed to have read diaries before the Diary Orders. Never questioned \$85 Million value of music empire on I&A filed by original James Brown PR s on Nov. 15, 2007.

6. Robert McNair, Esq.

Failed to report to Court Adele Pope's request to appear and speak – or have State speak -- on behalf of needy students at Cannon Alford Plea and sentencing. Advised Court that State's deal with Cannon provided for no recommendation as to sentence or restitution of \$12+ Million stolen from James Brown or for forgery of \$3.7 Million "contract" with Brown.

7. J.C. Nicholson, Esq.
8. Robert Cook, Esq.
9. Emory Smith, Esq.
10. Grace Lewis, Esq. of the Office of Georgia AG. Pro hac vice status terminated.
11. Emory Smith, Esq. -Fighting FOIA release of \$4.7 Million information since 2011

Lawyers Asserting that they speak for the Attorney General/State of South Carolina and/or the trustee for Tommie Rae and Terry holding/refusing to release documents showing James Brown's Music Empire worth \$85 Million or more/ Tommie Rae not spouse

12. Kenneth Wingate, Esq. - sued Bob for tens of millions of dollars for not accepting \$100 Million offer at the same time his clients were telling BOTH the IRS and the Supreme Court of South Carolina:
 - a. Bob's \$85 Million value of the music empire in IRS filings was both a fraud to get a big fee and a crime.
 - b. Terry and Tommie Rae's value of less-than \$4.7 Million is correct.
13. Mark Gende, Esq. – See Wingate. Sought sanctions for Tommie Rae/Terry against Adele Pope for exercising FOIA rights.
14. Scott Barrow, Esq. – contributor to McMaster's campaign after hiring. See Wingate.
15. David Black - reported in 441 media outlets accusing Bob of fraudulent acts the day before the Supreme Court heard the Case 1647 appeal.
17. Freddie Kingsmore, Esq. – told IRS that Brown's music empire was worth less than \$4.7 Million, then filed I&A under seal. Refuses to file \$4.7 Million appraisal required to do by Probate Code.
18. William Klett, Esq. - gathered up information from former Entertainment Counsel Ray Gonzalez which supports \$100 Million valuation of music empire, then asked Gonzalez to destroy his request for the file.
19. William Newsome, Esq. – See Kingsmore
20. Rick Reames, Esq. - See Kingsmore
21. William Wilkins, Esq. - told S.C. Supreme Court he knows value of music empire [\$4.7 million] even though his client earlier adopted the Dallas brief confirming \$85 Million value. Told S.C. Supreme Court Hynie spousal claim was a slam dunk even though. Believed not to have reviewed the Diary Orders.
22. Camden Lewis, Esq. - obtained Tommie Rae diaries in 2007 when original Brown PR/Trustees engaged him as litigation counsel to protect Brown's Estate Plan. Charged \$600 per hour. Diaries secured by clients during this period. Hired in 2011 by Tommie Rae/Terry's Trustee to prevent release of documents under FOIA. See Babcock.
23. Ariail King, Esq. - See Camden Lewis.
24. Keith Babcock, Esq. - member of Lewis Firm, which gathered Tommie Rae Diaries. Represented 2 original trustees when \$85 Million I&A was filed.
25. Jonathan Harling, Esq. - See Babcock

**Lawyers Representing one or more of Terry, Forlando and/or David Cannon
who have previously confirmed Tommie Rae is not Spouse AND
have documents or have made statements that Music Empire is \$85 Million or more.
[Some Paid or expecting to be paid from less-than \$4.7 Million Music Empire.]
(2007-2012)**

26. Albert Dallas, Esq. - former Trustee. Seeking \$6 Million based on \$100 Million value. Disseminated Tommie Rae Diaries through Wayne Byrd, Esq., who vigorously asserted that Diaries not privileged and Estate/2000 Trust required to use them against Tommie Rae as part of vigorous defense of Estate Plan. Believed to have told Adele Pope of contents of diaries in 2007 before she read them. Asserts left \$100 Million offer on desk of Jg. Early in 2007.
27. William Hammond, Esq. – advised AG McMaster in 2007 that Estate/2000 Trust worth \$80 Million - \$120 Million. Aware of Diaries and other facts showing Tommie Rae not spouse.
28. William Tucker, Esq. –counsel to original trustees. Believed to have advised Bob of contents of Tommie Rae diaries in 2007. See Hammond.
29. Stanley Jackson, Esq. - Professor/Business valuation. Counsel to PR s when I&A showing \$85 Million value of music empire filed. Vigorously asserted Tommie Rae not spouse, with documentation.
30. Audra Byrd, Esq. - See Dallas. No claim for services filed against Estate to date.
31. Wayne Byrd, Esq. - See Dallas. No claim for services filed against Estate to date.
32. Strom Thurmond, Jr., Esq.
33. David Massey, Esq.
34. Rodney Peeples, Esq. – Established DNA protocol for Estate in 2007.
35. Steve Sidmans, Esq. – Worked on offers for Royalties in early 2007. Filed, but withdrew claim for services to Estate.
36. Joel Katz, Esq. - see Sidmans
37. Steve Jacobs, Esq. - see Sidmans
38. William Custer, Esq. – Asserts:
 - a. On behalf of Forlando: Music empire worth \$100+ Million. On behalf of Terry, exercising his right to purchase: music empire worth \$4.7
 - b. On behalf of Forlando: Tommie Rae not wife. On behalf of Terry: originally not wife; now she is.
39. William Shearer, Esq. – See Custer
40. Jennifer Dempsey, Esq. – See Custer
41. Eric Bland, Esq. - Counsel to Cannon
42. Larry Richter, Esq. - counsel to Cannon
43. Jan Warner, Esq. - counsel to Cannon
44. Matt Bodman, Esq.
45. David Bell, Esq.
46. Angela Kirby, Esq.
47. Thomas Lydon, Esq.
48. Max Pickelsimer, Esq.

Additional Lawyers Representing fiduciaries, former fiduciaries of James Brown, Tommie Rae and/or others in relation to James Brown Music Empire now asserted by Tommie Rae, Terry and Bauknight to be worth less than \$4.7 Million

49. Alan Medlin, Esq.
50. Jean Lee, Esq.
51. Robert Rosen, Esq.
52. Andrew Chandler, Esq.
52. Heyward Carter, Esq.
53. David Michel, Esq.
54. Stephen Slotchiver, Esq.
55. Ernest Finney, Esq.
56. Kendall Few, Esq.
57. James Gilreath, Esq.
57. Louis Levenson, Esq.
58. Lori Chrisman, Esq.
59. David Yount, Esq.
60. James Richardson, Esq. – serving Pro Bono Publico
61. Harley Ruff, Esq.
62. Ray Gonzalez, Esq.
63. Matthew Ballenger, Esq.
64. James Bailey, Esq.
65. Peter Shahid, Esq.
66. Ronald Maxwell, Esq.
67. James Overstreet, Jr., Esq.
68. George A. Scott, Esq.
69. Todd Boudreaux, Esq.
70. Julio E. Mendoza, Esq.

NOTE: This is not all of the attorneys who have worked on James Brown matters since his death on December 25, 2006.

Date: May 12, 2012

Exhibit H

DALLAS LAW FIRM

304 Black Street, S.E. • Post Office Box 1150
Thomson, Georgia 30824-1150

ALBERT H. DALLAS
Attorney and Counselor at Law, P.A.
P. DAWKINS HOLLOWAY (1949-1976)

(706) 595-7170
(706) 722-2331
Fax: (706) 595-7174
dallaslaw@classicssouth.net

**COPY
ORIGINAL FILED**
MAY 17 2012
AKEN COUNTY
CLERK OF COURT

May 1, 2012

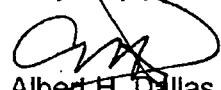
Hon. D.A. Early, III
The Circuit Court of the 2nd Judicial Circuit
P.O. Box 90
Bamberg, SC 29003

RE: The Irrevocable Trust established by James Brown

Dear Judge Early:

In response to the inquiry about the release of the "Tommie Rae" diaries, I offer the following affidavit for historical references as to its genesis.

Very truly yours,



Albert H. Dallas
Attorney at Law

AHD/bg
enclosure

AFFIDAVIT OF ALBERT H. DALLAS

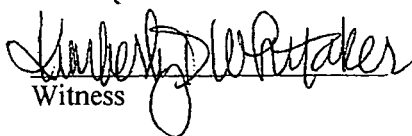
My name is Albert H. Dallas, and I had the privilege of handling various legal matters for James Brown for a period from 1984 until his death on December 25, 2006.

In the course of dealing with the Estate and Trust matters after Mr. Brown's death, Tom Wells, in the cataloguing of some 14,000 items, came across a diary purporting to belong to Tommie Rae Hynie. The diary was copied in transcript and was immediately made known to the Hon. Doyet Early and all attorneys of record. The information disclosed in the diary was widely known by those in close communication with James Brown.

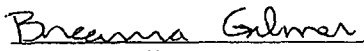
Ms. Hynie, after it was discovered that she was already married to another man in Harris County, Texas, continually requested of Mr. Brown that he re-marry her in order that she could have the respect of being Mrs. James Brown. Mr. Brown did not re-marry Ms. Hynie prior to his death. Mr. Brown was humiliated by the disclosure that Ms. Hynie was already married and chose not to remarry her.

Further affiant sayeth not this 1st day of May, 2012.


Albert H. Dallas


Witness

Sworn to and subscribed before me,
this 1st day of May, 2012.


Notary Public

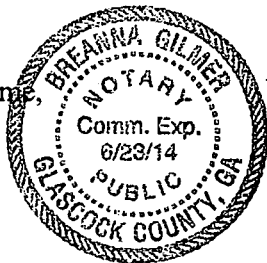


Exhibit I

LAW OFFICES OF H. DEWAIN HERRING, JR., LLC

TELEPHONE
(803) 790-1191

FAX
(803) 790-1192

TOLL FREE
1-800-773-6726

Email: dherring@scsn.net

STREET ADDRESS
3612 LANDMARK DRIVE
SUITE A
COLUMBIA, SC 29204

MAIL ADDRESS
P.O. BOX 61102
COLUMBIA, SC 29260

April 17, 1998

PERSONAL & CONFIDENTIAL

VIA U.S. MAIL

Mr. James Brown
% James Brown Enterprises, Inc.
1217 West Medical Park Road
Augusta, Georgia 30909

RE: Will & Trust

Dear Mr. Brown:

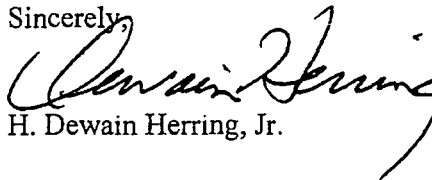
It is very important that you sign the Will and Trust I prepared for you. Set out briefly and simply, each of these documents do the following:

- ◆ The Last Will and Testament leaves your personal things to your children/grandchildren. Everything else will be put into your Trust.
- ◆ The Trust manages all your assets, allowing your grandchildren to go to school and it gives money to USC-Aiken and USC-Salkehatchie to pay for the education of needy children.
- ◆ The Durable Power of Attorney names Buddy, David and Judge Bradley to take care of you and your property if you become unable to manage things yourself.
- ◆ The Living Will lets you decide today if you want to be hooked up to life-support machines or not. This keeps anyone from having to make these decisions for you.

Mr. Brown, the Will and Trust you have accomplished what you told me you wanted to do. Primarily, to keep "James Brown Name Alive" and to provide an education for children not otherwise able to get one. You will have done a wonderful service for mankind.

To do otherwise with a lesser plan will probably provide for will contests, challenges, hard feelings, lots of lawyers and a waste of your money and your legacy. You will recognize it when I say "Please, Please, Please" do not throw it away.

Sincerely,



H. Dewain Herring, Jr.

HDHJr/cht

cc: Mr. David G. Cannon, CPA; Mr. Albert H. Dallas; Judge Alford A. Bradley

e:\6010.1\brown.ltr

**COPY
ORIGINAL FILED**

MAY 17 2012 

AIKEN COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF AIKEN) CASE NUMBER 2007-CP-02-0122
) Supplemental
) Affidavit of Adele J. Pope
) Opposing Bauknight/Hynie Motions
 IN RE: THE ESTATE OF) to Strike; Confirming Truth of
 JAMES BROWN) Buchanan/Pope statements; and
a/k/a JAMES JOSEPH BROWN) Supporting Release of Hynie Diary

PERSONALLY APPEARED BEFORE ME, Adele J. Pope, who being duly sworn
 deposes and says:

1. I am informed and believe the following documents which I have recently received show how important it is for this Court to determine I have not made false statements; to identify who is making false statements to this Court; and to ungag me by voiding the Hynie diary Gag Orders so that I may tell the full truth about the Brown and Hynie relationship:

- a. Responses to my May 23, 2012 requests under the S. C. Freedom of Information Act ("FOIA"); and
- b. The transcript of the March 12, 2012 Cannon hearing before Judge James, related to restitution for the \$12+ Million Cannon took from James Brown.

2, I am informed and believe:

- a. AG Wilson and Bauknight are using the 2008 Gag Orders, which (unless void) the AG's office has violated for 4 years, to withhold public information.
- b. Bauknight's loyalty to Hynie and Terry and abandonment of the "I Feel Good" Trust make it clear he is not serving the interest of the 2000 Trust.
- d. The public documents the AG and Bauknight are concealing will help make clear who is making false statements to this and other Courts, including:

- a. Hynie's "diary"

- b. The Legacy Trust created by AG McMaster;
 - c. Bauknight's purported authorization to sue Bob Buchanan & me as agent for the State of South Carolina.
 - d. Bauknight's less-than \$4.7 Million appraisal of the music empire.
 - e. The Contingency Fee Agreement to sue Bob and me.
3. I stand by my statements, made alone and/or with Bob Buchanan, including:
- a. More than 20 lawyers and numerous others have openly violated (unless void) the Gag Orders for more than 4 years.¹
 - b. AG McMaster's office's relationship with Hynie and Terry was improper.
 - c. Bauknight, Terry and Hynie have caused millions in losses to the "I Feel Good" Trust for needy and deserving students.
 - d. Hynie is not entitled to any portion of Brown's assets, and Bob and I never owed her any duty.
 - e. Bauknight and others have knowingly made false statements about James Brown's heirs and their rights under the Federal Copyright Act.
 - f. Brown's Publicity Rights are about half of the \$80 Million Brown gave to the "I Feel Good" Trust private foundation.
 - g. The less-than \$4.7 Million purported value of the music empire is outrageous.
 - h. McMaster & Bauknight's attempt, after McMaster took over Brown's private

¹ Those who were sent copies of both the Hynie diary and a typed transcript of the Hynie Diary on February 13, 2008 by Wayne Byrd, Esq. and who have – if the Gag Order is not void – violated for 4 years its direction to deliver their copies to the Clerk of Court include:

- 1. The Attorney General of Georgia and his staff;
- 2. Two (2) Attorneys General of South Carolina and their staffs;;
- 3. 2 of David Cannon's attorneys and/or former attorneys: J. Huff & R. Richter;
- 4. 4 of Hynie's attorneys: R. Rosen, A. Medlin, D. Michel & H. Carter;
- 5. Robert Young, Esq.
- 6. 2 of Terry Brown's attorneys and/or former attorneys: D. Bell, M. Bodman
- 7. L. Levenson, attorney for Deanna, Yamma, Daryl, Larry and others.
- 8. Keith Babcock, Esq.
- 9. Alfred Bradley, Albert Dallas and their former counsel W. Byrd. [Byrd Ltr. 2/13/08, part of FOIA response of AG Wilson dtd. 7/3/12.]

property through use of his public office, to turn it into a private political patronage fund, privately run by Bauknight and controlled by the Attorney General, a public official, in secret, should be stopped.

i. Voiding the Gag Orders and FOIA compliance by AG Wilson will allow the media and public to decide whether what McMaster did was wrong.

The Gag Orders have been ignored by the Attorney General and others.

5. The FOIA request confirms that two AG s and scores of others simply ignored the Gag Orders until I asked to see the Hynie diary.

6. On September 15, 2008 – after the Gag Orders – Buddy Dallas wrote AG Jowers and AG Jones about the Hynie Diary. [Ex. A]

7. Again on January 22, 2009 Buddy Dallas wrote AG Jones about the Hynie Diary [Ex. B].

8. After Hynie asserted in 2012 that I should continue to be gagged because I possess stolen information, AG Jones and Bauknight met with Dallas. Neither accused Dallas of any impropriety about the diary.

10. In short, Hynie, AG Wilson and Bauknight seek to gag me by use of an Order which they have never honored.

The Cannon Plea deal and the problem of false statements to the Court.

11. The Cannon plea deal is a good example of the need of this Court to determine who is telling the truth.

12. Before 8:30 a.m. on October 27, 2011 I asked the AG's office to speak on behalf of victims of David Cannon at his felony plea hearing. [See Exhibit C].

13. AG McNair spoke later that morning with AG Jones, AG McIntosh and counsel for Bauknight. He then went to the Cannon felony plea hearing. AG Jowers

went because AG Jones was unable to go.

14. Neither AG Wilson's office nor Bauknight sought restitution for the needy and deserving students or mentioned my Victim's statement request.

15. After stealing \$12+ million from needy and deserving students, Cannon received house arrest and was not ordered to make any restitution, while Bauknight has spent two years trying to ruin Bob's and my careers for supporting Brown's estate plan.

16. On March 12, 2012, AG Wilson's office told Judge James:

THE PARTY WHO WOULD REPRESENT THE CHARITABLE TRUST ..IS MR. BAUKNIGHT. HE IS OUR TRUSTEE. IF HE BREACHES HIS FIDUCIARY DUTY ON THE PART OF THE CHARITY WE GO AFTER HIM; ... BUT MRS. JOWERS WAS NOT HERE REPRESENTING THE CHARITY. SHE WAS HERE AS A LISTENER... ; SO ...- SOMEBODY THINKING THAT SHE NEEDED TO ... STAND UP AND SAY, WELL I DISAGREE ... SHE IS HERE TO REPORT BACK, BECAUSE I COULDN'T BE HERE...[Jones, Hg. 3/12/12, p. 21.]

17. Bauknight's counsel then said:

... I, ALONG WITH FREDDIE KINGSMORE, REPRESENT MR. BAUKNIGHT. YOUR HONOR, YOU SAID THAT YOU WERE TOTALLY SHOCKED. SO WERE WE, THE DISCONNECT, YOUR HONOR, ON RESTITUTION WAS THAT MR. BAUKNIGHT WAS SPECIFICALLY TOLD NOT TO BE HERE — ...HE WAS TOLD, DON'T BE THERE; DON'T GO DOWN THERE. DON'T GO IN THERE...

HE [Cannon] PLEAD GUILTY TO STEALING ALMOST SEVEN TO \$10 MILLION... PROCEEDS FROM PART OF WHAT HE STOLD [SIC] HE BOUGHT A MANSION IN HONDURAS, YOUR HONOR... [Hg. 3/12/12, Black, p. 22,23. Emphasis supplied.]

6. Then Bauknight himself said:

...I WAS TOLD I SHOULD NOT SHOW UP... I WAS TOLD MY PRESENCE WOULD SCREW UP THE DEAL. THOSE WERE HIS WORDS – MR. MCNAIR'S WORDS... [Hg. 3/12/12/ pp. 32 - 34.]

7. Mr. Levenson then stated:

...WHEN MR. MCNAIR CALLED ME ... THE ONLY ISSUE WAS...TO THIS EFFECT. HE DOESN'T WANT – I DON'T WANT TO SEE YOUR FACE IN THE COURTROOM.. [Hg. Pp. 36.]

8. Mr. Harris, counsel for Cannon, stated:

... FIRST OF ALL, I THINK MR. BAUKNIGHT MAY HAVE MISSPOKE... WHAT REALLY JUST SETS ME ON FIRE IS THAT ROB MCNAIR IS NOT HERE TO DEFEND HIMSELF...

...BEFORE ROBBY MCNAIR EVEN LEFT HIS OFFICE THAT DAY..HE HAD NUMEROUS CONVERSATIONS WITH MR. KINGSMORE. HE HAD A CONVERSATION WITH JOHN MACINTOSH WHO IS THE NUMBER TWO MAN AT THE AG'S OFFICE. I THINK MR. JONES WAS INVOLVED IN THAT CONVERSATION; SO IT'S CLEAR FROM THE CONVERSATIONS THEY'RE HAVING AT 12 O'CLOCK ... THE PLEA IS GOING TO HAPPEN AND WHAT ...THE PLEAS ARE.

...THE PLEA AGREEMENT THAT WE STRUCTURED WITH THEM REQUIRED THEM TO MAINTAIN SILENCE.. ALL OF THE VICTIMS KNEW THAT THE ATTORNEY GENERAL'S OFFICE AS TO RESTITUTION...THAT THEY WERE GOING TO REMAIN SILENT. . MR. KINGSMORE KNEW THAT. . .AND THAT'S WHAT HAPPENED AT THE SENTENCING... [Hg., pp. 38-41]

9. To which Ms. Lydon, also counsel for Cannon, added:

... I THINK IT'S DISINGENUOUS, TOO FOR THE ATTORNEY GENERAL'S OFFICE THROUGH SONNY JONES TO INDICATE THEY DON'T REPRESENT 99 PERCENT OF THIS ESTATE WHEN, IN FACT, THEY DO. THIS PLEA WAS FULLY VETTED WITH SONNY JONES. SONNY JONES WAS ONE OF THE LAST PEOPLE ROBBY MCNAIR TALKED TO GOING OUT OF THAT OFFICE. ...I CAN ASSURE YOU JUSTICE TOAL THINKS SONNY JONES IN THAT AG'S OFFICE REPRESENTS THAT 99 PERCENT OF THE ESTATE. ... I JUST DON'T WANT THIS COURT TO THINK THAT THIS THING WAS DONE IN THE DARK. THERE WERE MORE LAWYERS INVOLVED IN THIS THING ...FROM DAY ONE THAN ANY CASE I HAVE EVER SEEN. IT WAS FULLY VETTED. PEOPLES DID KNOW EXACTLY WHAT WAS GOING TO HAPPEN. [Hg. 3/12/12, Lydon, pp.42 -43. Emphasis supplied]

10. AG Waters concluded with:

... MR. CANNON HAS TRANSFERRED SUBSTANTIAL FUNDS...HAD A HOUSE BUILT DOWN IN HONDURASSET UP IN A WAY

TO PROTECT IT FROM CREDITORS. . .AND.. A SUBSTANTIAL INTEREST
IN A MUSIC PUBLISHING COMPANY . . . [Hg. 43-44]


11. I am informed and believe that finding out who is making false statements to this Court and voiding the Gag Orders will help this Court, which has greater knowledge of the James Brown cases than any other, to take the appropriate next steps.

12. I am informed and believe that Wayne Byrd, Esq., correctly stated to Hynie's attorney on March 6, 2008:

We will not agree on any consent order until Tommie Rae Hynie appears and subjects herself to cross examination regarding these issues. We believe the Personal Representatives should hold these diaries, or whatever they are, and use them to impeach your client on the marriage issue. [Exhibit D.]

FURTHER DEPONENT SAYETH NOT.

SWORN TO BEFORE ME This 9th
Day of July, 2012

 (L.S.)
Notary Public for South Carolina
My commission expires: 8-12-20

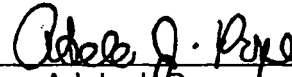

Adele J. Pope

Exhibit A

From: "Dallas and Medlin" <kkitchens@classicsouth.net>
To: <agsjones@ag.state.sc.us>, <mfjowers@ag.state.sc.us>
Date: 9/15/2008 10:39 AM
Subject: James Brown

I continue to worry that no one is properly managing the business. I am likewise concerned as to the kind of commitments that Bob and Adele maybe making for the Estate and Trust. My dad told me a long time ago that the blind cannot lead the blind. I hope there's something you can do to enjoin binding commitments being made or at least requiring that you be involved before commitments are made. The ship of Brown is without a rudder. [REDACTED]

[REDACTED] Tommie Rae diaries [REDACTED]

[REDACTED] I hope this note does not inconvenience either of you. Feel free to call me if you need me in any way.

Kindest regards,

Buddy

From: "Dallas and Medlin" <kkitchens@classicsouth.net>
To: <agsjones@ag.state.sc.us>
Date: 1/22/2009 1:34 PM
Subject: fyi
Attachments: 20090122141943170.pdf

Exhibit B

Sonny,

[REDACTED] Tommie Rae's diary [REDACTED]

Call me if you need anything.

Buddy

CONFIDENTIALITY NOTICE: This e-mail, as well as any attachments, is covered by the Electronic Communications Privacy Act, 18 U.S. C. §§ 2510-2521 and is legally privileged under federal and state laws, including but not limited to laws applicable to the attorney-client privilege and other private matters. The information contained in this e-mail is intended only for use by the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please destroy the e-mail after advising by reply that you erroneously received this. The receipt by anyone other than the designated recipient does not waive the attorney-client privilege, nor will it constitute a waiver of the work-product doctrine.

Exhibit c

Re: EMAIL FROM DAVID CANNON, SHERRI LYDON -REQUEST REGARDING PLEA

[Reply](#) [Reply All](#) [QuickReply](#) [Forward](#) [Delete](#) [Download Message](#) [Display Headers](#) [Translate](#) [Printer Friendly](#)

From: Adele Pope

Date: 10/27/2011 8:17:09 AM

To: rmcnair@scag.gov

Cc: rmcnair@scag.gov,rlbuchananjr@bellsouth.net,dwilliams@jeterandwilliams.com,adam@silvernaillawfirm.com,mplowden@scag.gov

Dear Mr. McNair:

The following is my earlier letter, with a few typos, etc. corrected. My email to you this morning was hastily put together to get you the information as fast as possible.

Also, although Mr. Cannon and Ms. Lydon's emails were sent during the day yesterday, I did not receive them until last evening.

Thank you,

Adele Pope

8:16 a.m., October 26, 2011

<-----Original Message----->

From: Adele Pope [adele@popelawfirm.com]

Sent: 10/27/2011 6:12:36 AM

To: rmcnair@scag.gov

Cc:

rlbuchananjr@bellsouth.net,dwilliams@jeterandwilliams.com,adam@silvernaillawfirm.com,mplowden@scag.gov

Subject: EMAIL FROM DAVID CANNON, SHERRI LYDON -REQUEST REGARDING PLEA

Robert E. McNair III, Esquire
Assistant Attorney General
Office of the Honorable Alan Wilson

Re: Proposed Plea of David G. Cannon - James Brown matters -- Indictments: Felony Breach of Trust 1999,2000, 2001, 2002, 2003, 2004, 2005, 2006 and Forgery 2008

Dear Mr. McNair:

On October 17, 2011, having heard that David Cannon might be entering a plea in relation to the James Brown matters set out above, I sent a FOIA request for certain information about the plea.

The 15 business days since my request are not up, but last night I received the attached emails from Mr. Cannon and Sherri Lydon, Esquire, indicating that Mr. Cannon's plea may be today. According to personnel in Barnwell County, the Office of AG Wilson, through you, is in charge of this matter.

Could you kindly confirm for me this morning if I am correct that the plea will be before Judge James in Aiken today at 4. If that is not correct, please advise of the day, time and place. My cell number is 803-413-0753. Thank you in advance.

As explained below, I consider myself an intended victim of David Cannon's November 2008 forgery. I was also personally involved in uncovering the first approximately \$7 Million taken by Mr. Cannon between 1999 and 2002 and the \$900,000 he took in 2006. I watched and studied as Kendall Few and others uncovered and documented the remainder of the takings -- totaling more than \$12 Million.

I know you have all of the financial information, but I believe that I have special information about the extremely devious methods by which David Cannon covered up his takings and tried to make others appear to be the

wrongdoers. I would appreciate it if you would allow me to share these with the Court through a statement -- or if you would present the facts to the Court.

Statement of Interest: Intended victim of David G Cannon's November 2008 forgery, designed to cover up David Cannon's \$900,000 takings from James Brown in 2006 and the fabricated Judgment filed in Aiken County in early 2007.

Served with Robert L. Buchanan, Jr. as Special Administrator of the Estate of James Brown from March 7, 2007 until November 20, 2007, working personally with David G. Cannon until August 10, 2007, and with remaining Personal Representatives during period.
[During this period approximately \$7 Million of David Cannon's takings were discovered.]

Actively served with Mr. Buchanan as Personal Representative of the (Aiken County) Estate of James Brown during period from November 20, 2007 through 2008, and later
[During this period the remainder of the \$12+ Million takings were uncovered and Mr. Cannon uttered the November 2008 forgery.]

The specific observations I have, in addition to details of the above takings and forgery which you, I am sure, already have, are:

The Fabricated Judgment: Mr. Cannon was extremely calculating and devious in covering up his activities. So far as I know, Mr. Brown had no knowledge of Mr. Cannon's massive misappropriations prior to his death in December 2006. Before Bob Buchanan and I met Mr. Cannon on March 26, 2007, he had already filed a fabricated judgment against James Brown in Aiken County just after Brown's death. The purpose of the judgment appears to have been either to cover up \$900,000 or earlier takings, provide a method for taking an additional \$900,000, or both.

After we questioned Mr. Cannon about the Judgment, he simply marked it satisfied, and sought other means to cover up what he had done.

In August 2007 Mr. Cannon was secretly involved in the aborted attempt to transfer the James Brown 2000 Trust to Georgia to avoid discovery of his deeds.

In August 2007 when Mr. Cannon resigned as PR/Trustee, he delivered his James Brown Historical files to a space behind my office. Although the documents were controlled by the remaining PR/Trustees Al Bradley and Buddy Dallas, and their counsel Cam Lewis/Keith Babcock and others, I observed the documents and transactions as SA.

I was present when Mr. Bradley and others discovered what became known as the "\$5 Million check t nobody" which Mr. Cannon had cashed from Brown's money in 1999.

I was present in November 2007 when Mr. Cannon told the Court, under oath, he had never hired Powell Goldstein to remove Brown's Trust to Georgia, even though he had just received a \$48,225 bill from them (9/15/07).

I was present at a James Brown hearing in Aiken County in November 2008 when David Cannon was asserting Judge Early was unethical and should be recused, and James Brown's assets had declined by \$60 Million since his death two years earlier, at virtually the same time Mr. Cannon, himself was uttering a forged "compensation agreement" for the dual purpose of covering up his wrongdoing and making it appear that Bob Buchanan and I had falsely accused him of the \$900,000 taking in 2006.

Should you need more details, I will be glad to provide them. But, in short, Mr. Cannon is very apt financially, very smart, and very calculating. While I was only an intended victim, the real victims are the needy and deserving students seeking education in Georgia and South Carolina who should have received the benefit of the \$12+ Million Mr. Cannon misappropriated.

Exhibit D

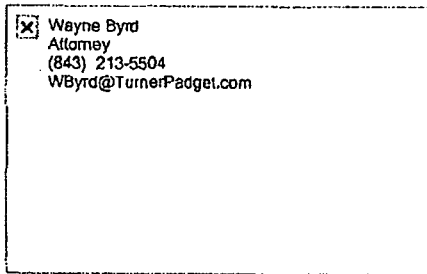
Sonny Jones - RE: Second Order Re Diaries

From: "Byrd, R. Wayne" <WByrd@TurnerPadget.com>
To: Robert Rosen <mrosen@rosen-lawfirm.com>, "agsjones@ag.state.sc.us" <ags...
Date: 3/6/2008 3:10 PM
Subject: RE: Second Order Re Diaries
CC: Marcia Jones <mjones@rosen-lawfirm.com>, "Lindsay K. Foreback" <lforebac...
Attachments: header.gif; LGYV.gif



We will not agree on any consent order until Tommie Rae Hynie appears and subjects herself to cross examination regarding these issues. We believe the Personal Representatives should hold these diaries, or whatever they are, and use them to impeach your client on the marriage issue.

Respectfully,
 Wayne Byrd



From: Robert Rosen [mailto:mrosen@rosen-lawfirm.com]
Sent: Thursday, March 06, 2008 3:00 PM
To: Byrd, R. Wayne; agsjones@ag.state.sc.us; davidbell@davidbelllawfirm.com; weskirkland@bellsouth.net; jdalleylaw@bellsouth.net; jmg@jimgriffinlaw.com; Louls Levenson; mattbodmanlaw@aol.com; shahldlo@bellsouth.net
Cc: Marcia Jones; Lindsay K. Foreback; Alan Medlin; Andrew Chandler; d_michel@yahoo.com; Carter@eckb.com; Jean Lee
Subject: FW: Second Order Re Diaries

Dear Counsel:

In yet another attempt to resolve the diary issue, I am sending an order which places the copies with the Clerk of Court and requires the former PRs to explain what happened by way of affidavit, pending further order of the court. Please advise.
 Robert Rosen

From: Receptionist Rosen Law Firm
Sent: Thursday, March 06, 2008 2:46 PM
To: Robert Rosen
Subject: Second Order Re Diaries

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James Brown son pleads 'protect the needy children'

by Sue Summer
For The Observer

1 month ago | 430 views | 0 | 4 | | |

In another bombshell twist to the James Brown estate story, Brown's son Daryl has sent an impassioned plea to Attorney General (AG) Alan Wilson, asking Wilson to protect the intended beneficiaries of his father's "I Feel Good" education charity.

"The Attorney General was supposed to protect the needy children, not give away what my father intended for them," Daryl wrote, according to a copy of his letter to AG Wilson received at The Newberry Observer on July 25.

Under James Brown's will, six named children were to be given his household and personal effects, and education trusts of up to \$285,000 were set up for certain grandchildren.

Brown's music empire was left to the "I Feel Good" education charity for needy and underprivileged students at institutions in South Carolina and Georgia.

The will was contested by the children named in the will and by Brown's companion, Tommie Rae Hynie.

The estate plan said anyone who contested the will would receive nothing, but in 2009 former AG Henry McMaster worked a settlement deal that took away over half what Brown intended for charity and gave it to the children and companion who had contested the will.

Daryl was among the children who sued, but he regrets that decision.

He wrote in the letter, "At first I just went along with my family, and this was a mistake."

Daryl wrote that his father's will in Aiken County has never been overturned, and he asks of Wilson, "What gives your office the authority to change my father's will? Is it because my father had only an 8th grade education and you think that you have the right to think for him? Is it because my father is a black American, and black Americans do not have the right to have their wills enforced...Mr. Wilson, why has your office not performed their responsibilities and protect the needy children that my father wanted to educate?"

Not one child has received one dollar in the over five years since his father's death, while lawyers have already been paid millions—with more to come. Lawyers for the Brown children and Hynie are trying to get 50 percent of any monies they receive, Daryl said.

Daryl said his father is "rolling over in his crypt" and pleaded with AG Wilson to protect the trust. "It's not too late.

The Supreme Court judges can correct what will amount to a lynching of all the dreams of a black man to make a difference in the lives of many children by giving them a way out, not a hand out," Daryl wrote.

Daryl also confirmed that Hynie was not Brown's wife and questioned whether her child was his father's. He said his father was not under undue influence when he made his estate plan, that no one told James Brown what to do.

"My youngest daughter and nephew will graduate next year. They have received no assurance that their tuition will be paid. Despite pleas to Brown trustee Bauknight of Columbia, and the South Carolina Attorney General," Daryl wrote.

In conclusion, Daryl pleaded with AG Wilson to give his father's estate plan the same respect that he would have given Brown's close friend, Sen. Strom Thurmond.

Daryl wrote, "I am concerned about my safety, but I feel I must speak out for what is right, no matter what."

Although not signed, the letter's authenticity was confirmed in a telephone call with Daryl Brown and is posted on the Facebook page, James Brown "I Feel Good" Trust (FOIA Concerns).

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James Brown's daughter in jail in vehicle theft, assault incident

By Bianca Cain Johnson

Staff Writer

Tuesday, July 24, 2012 12:20 PM

Last updated Wednesday, July 25, 2012 12:57 AM

The daughter of music icon James Brown is being held in the Richmond County jail after being accused of stealing a vehicle in Augusta and injuring her boss outside a bank in North Augusta.

Venisha Brown is being charged with theft by taking a motor vehicle in Richmond County and is being held for North Augusta authorities, Richmond County sheriff's Investigator Billy Dixon said Tuesday.

North Augusta Public Safety has issued warrants against Brown for possession of a stolen vehicle, leaving the scene of an accident and first-degree assault and battery.

Police were called to the intersection of West and Pine Grove avenues in North Augusta about 9 a.m. Monday, where they found Hope Ellis Campbell, 46, of Grovetown, with injuries.

Campbell told officers she had spotted her employee, Brown, in a Chevrolet Suburban stolen from St. Stephen Ministries on Greene Street on Sunday and was trying to gain control of the vehicle when she was injured.

Campbell told officers that she reached into the sport utility vehicle to take the keys but that Brown accelerated, dragging Campbell into and over the hood of another vehicle parked near the Suburban.

Richmond County deputies recovered the SUV about 1 a.m. Tuesday at 13th Street and Walton Way.

About two hours later, deputies were called to an altercation in the 500 block of Broad Street, where they found Brown arguing with another woman.

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James Brown Trustee Claims son, grandson conspired with companion

by Sue Summer
For The Observer

3 months ago | 577 views | 0 | 1 | | |

In documents filed in Federal Court on Friday, Aiken attorney and former James Brown trustee Robert Buchanan alleged that Brown's companion Tommie Rae Hynie joined Brown's son Terry and grandson Forlando in a conspiracy to destroy James Brown's estate plan.

The allegations were filed in a counterclaim related to a five-year-old lawsuit, originally brought by Brown's grandson Forlando against Buchanan and Newberry attorney Adele Pope.

Buchanan and Pope served as co-trustees of the Brown will and trust from November 2007 to May 2009. Only six weeks after they were court appointed, in Jan. of 2008, Forlando filed suit against them, asserting that Buchanan and Pope would not follow James Brown's noble plan to dedicate his entire music empire to education. In the suit, Forlando asked for the return of original trustees David Cannon, Albert Dallas and Al Bradley.

Bradley died in 2010. Dallas lost an appeal to the S.C. Supreme Court. Cannon entered an Alford plea in Oct. 2011 to indictments that alleged he took \$12 million from James Brown between 1999 and 2007, and that he forged a document in 2008 to cover up his takings.

Forlando's claim that Buchanan and Pope would not defend Brown's estate plan proved inaccurate. In 2009 Buchanan and Pope "vigorously" defended the estate plan with their opposition to and appeal of a settlement deal that Tommie Rae, Terry and others made with former Attorney General (AG) Henry McMaster. The McMaster deal takes away more than half of Brown's \$100 million music empire and gives it to some of Brown's disinherited, claimed relatives. McMaster also gave Brown's son Terry—Forlando's father—a right to buy the music empire at fair market value.

The Buchanan/Pope appeal was heard by the S.C. Supreme Court on Nov. 1, 2011, but no decision has been rendered.

Buchanan's amended counterclaim seeks actual and punitive damages against Forlando. Pope previously filed a counterclaim with similar allegations.

In Nov. 2011, Forlando fired his powerhouse team of attorneys, including former S.C. Chief Justice Ernest Finney and four attorneys from the Atlanta law firm of Bryan Cave.

In a Dec. 2011 interview with this reporter, Forlando characterized the challengers to his grandfather's estate plan as "greedy family members who want something they are not entitled to."

Forlando further alleged there had been treachery in connection with the McMaster deal. He said his father Terry originally refused to join the fight (to contest the will and trust), but then "they called us to South Carolina, to the Attorney General's office. They said they could settle without us, and they'd make sure we got nothing. We were given an ultimatum."

Forlando said in December that he agreed with what Buchanan and Pope were doing to uphold his grandfather's estate plan, and he hoped to find new lawyers to settle the case with them.

Last month Judge William Bertelsman dismissed Forlando's complaint and gave Buchanan and other parties until May 18 to file counterclaims.

In a letter dated May 18, Columbia attorney David Black, speaking for current James Brown trustee Russell L. Bauknight, notified Judge Bertelsman that Brown's trust was withdrawing its counterclaims against Forlando for attorneys' fees in the five-year litigation. The letter stated that the Trust would not make any additional claims against Forlando.

In addition to serving as Brown's trustee, Bauknight is trustee for Forlando's father Terry, Brown's companion Tommie Rae Hynie, and other disinherited claimed relatives under the Legacy Trust, which was created by McMaster as part of the settlement deal.

Terry was part of two \$90-100 million offers made to purchase Brown's music empire during the time that Buchanan and Pope were trustees. Now he asserts that Brown's music empire was worth less than \$4.7 million when Brown died on Christmas Day 2006, even though it had been earning \$4-5 million a year in royalties.

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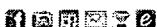
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ne has not complied with the Probate Code requirement that he file the appraisal which supports the stated value. Black has declined to produce the appraisal, asserting that it is under lock and key.

Black's letter refers to Hynie as Brown's wife, even though substantial questions have been raised about her claim. During arguments on Nov. 1, the Supreme Court grilled assistant AG "Sonny" Jones about the failure of the AG's office to investigate Hynie's claim more completely, suggesting that if her claim is disallowed then one-quarter of the music assets could be returned to needy children. A long-time friend of James Brown, who is familiar with Hynie's handwritten diaries, has said the diaries offer evidence that she should not have received \$25 million in the McMaster deal.

Buchanan's filing asserts that Hynie was not Brown's wife.

Buchanan also asserts that the intentional incorrect determination of Brown's heirs was part of a conspiracy among Hynie, Terry and Forlando to take Brown's assets from needy and deserving students. Another component of the conspiracy, according to the Buchanan pleading, was the intentional devaluation of Brown's \$100 million music empire at less than \$4.7 million after Terry obtained a right to buy it.

Judge Bertelsman has scheduled a telephone hearing in the Forlando case for today.

A copy of Buchanan's counterclaim and the Black letter may be found on the Facebook page, James Brown "I Feel Good" Trust (FOIA Concerns).

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Exhibit 16

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| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| |) | |
| COUNTY OF RICHLAND |) | Civil Action No. 2011-CP-40-350 |
| |) | |
| Adele J. Pope, |) | |
| |) | AFFIDAVIT OF SUE SUMMER |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| Alan Wilson, in his capacity as |) | |
| Attorney General of South |) | |
| Carolina and James Brown |) | |
| Legacy Trust, by Russell L. |) | |
| Bauknight, its Trustee |) | |
| Defendants. |) | |

-)
1. This affidavit is based on my personal knowledge.
 2. I am a resident of Newberry County, a writer and a journalist.
 3. I contribute to the *Newberry Observer*, the *Newberry* magazine and WKDK Radio.
 4. I have taught at Newberry College, including instructing students about the S.C. Freedom of Information Act (the "FOIA").
 5. I became interested in the FOIA before its passage, and believe that the transparency and accountability of public officials it provides - when it functions properly - is essential to our democratic form of government.
 6. It is my opinion to a reasonable degree of professional certainty as a journalist that:
 - a. Questions related to music icon James Brown are of general public importance and particular importance to Newberry County, including:
 - (1) Why did former AG Henry McMaster take \$50 million from James Brown's "I Feel Good" Trust for scholarships for needy students and give it to Brown's companion Tommie Rae Hynie Brown, his son Terry Brown and others?

- (2) Why did McMaster give Terry a right to buy Brown's assets?
- (3) Does AG Sonny Jones have improper relationships with advisors to Tommie Rae, Terry and felon David Cannon?
- (4) Why did AG Wilson allow Russell Bauknight, who serves under him, to claim that Brown's \$100 million music empire is worth only \$4.7 million?
- (5) Why did AG Wilson's office not seek any jail time or restitution from Cannon, who took \$12 million from Brown and the "I Feel Good" Trust?
- (6) Why did Bauknight hire Cannon's \$600-an-hour former lawyer to fight the FOIA requests - then pay him more than \$300,000.00?
- (7) Is copyright expert Jeff Smith correct in his article which asserts McMaster, Bauknight and Terry destroyed Brown's royalties and the "I Feel Good" Trust by a settlement which:
 - (a) made an intentional incorrect determination of Brown's heirs under the Federal Copyright Act, and was followed by
 - (b) Bauknight/Terry's intentional devaluation of Brown's empire?
- (8) Will Tommie Rae's diary confirm she knew she was not Brown's wife?
- (9) Is private philanthropy in South Carolina at risk because wealthy retirees - fearing a takeover by the AG - will not set up foundations here?

b. My requests under the FOIA for the *Newberry Observer* for the following public documents to help answer the above questions have been denied, delayed or ignored by AG Wilson:

1. A copy of the McMaster-created Legacy Trust;
2. A copy of Tommie Rae's diary;
3. A copy of AG McMaster's contract with attorney Kenneth Wingate to sue former Brown trustees for appealing what he did;
4. Information about Bauknight's \$4.7 million valuation;

c. AG Wilson, by dodging compliance with the FOIA in the Newberry suits through motions to dismiss, change venue, allow Tommie Rae and

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Rela

Bro

Brown's daughters agonized over lawsuit

Posted: Thursday, November 07, 2002

By Associated Press

ATLANTA -- James Brown's daughters said they agonized over suing their father claiming they were not paid royalties on songs made popular by The Godfather of Soul.

"We knew the consequences of bringing all this out -- all the publicity this would get," daughter Yamma Brown Lumar told The Atlanta Journal-Constitution in her first public statement about the lawsuit.

"We love our father ... It's been extremely difficult. This is family. This is our father. It's taken a lot of soul-searching and digging deep."

Lumar, 29, and Deanna Brown Thomas, 33, filed suit in September in federal court in Atlanta, contending they co-own the copyrights to 23 songs, including the 1976 hit, "Get Up Offa That Thing."

The lawsuit against Brown and his record labels, Warner Chappell Music and Dynatone, seeks more than \$1 million and alleges breach of contract, negligence and racketeering.

The musician and his record labels, in court papers filed Monday, denied the allegations and asked for dismissal of the complaint.

Published in the Athens Banner-Herald on Thursday, November 7, 2002.

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DEANNA BROWN THOMAS **JAMES BROWN**

YAMMA BROWN LUMAR USD THE ATHENS BANNER-HERALD

THE ATLANTA JOURNAL MUSICIAN

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) Case No. 2007-CP-02-0122
 COUNTY OF AIKEN)
) Return Hynie's to Motion to Strike;
)
) Request to Proceed with Declaring
 IN RE: THE ESTATE OF) Gag Orders Void; and
 JAMES BROWN)
a/k/a JAMES JOSEPH BROWN) Request for Expedited Hearing

Party/Interested Person Adele J. Pope opposes the Motion to Strike of Tommie Rae Hynie and asks that this Honorable Court:

1. Proceed to void the 4-year-old Gag Orders related to the Hynie "diary."
2. Find that Pope is an Interested Person and/or Party entitled to participate and seek relief from the Court in this case ("Case 122") and in all other James Brown cases pending in the Probate or Circuit Courts of Aiken County.
3. Conduct an expedited hearing, with Hynie compelled to attend, to determine if Hynie recklessly or intentionally made bad faith, false, career-threatening allegations that Pope's affidavits and filings about the following are "false" or "works of fiction:"
 - a. The d.o.d value of James Brown's worldwide music empire: Buchanan/Pope's \$85 Million or Hynie/Bauknight's less-than \$4.7 Million?
 - b. Hynie's elective share claim: Hynie asserts is a "slam dunk"; Pope asserts is without merit and was improperly filed in the wrong court.
 - c. Whether, "Termination Rights is all this case is about" as Hynie asserts; or whether Hynie/Bauknight have concealed the value of Brown's Publicity Rights for an improper purpose.
 - d. Whether Hynie and the 7 settling claimed children are correctly representing themselves to be Brown's only heirs under the Federal Copyright Act Termination Provisions; or whether Pope correctly asserts Jeanette, LaRhonda, Cinnamon and as many as 10 others – but not Hynie -- are Brown's heirs.
 - e. Whether, as Bauknight/Hynie assert, the Estate/2000 Trust have

"no corpus to speak of."

f. Whether Hynie/Bauknight's assertion that there will be nothing left in the "I Feel Good" by 2023 - 2025 if the Settlement is not approved is false.

g. Whether Hynie's claim that the world is bound by the defective annulment proceeding she had with husband Javed Ahmed is false.

4. Charge Hynie, jointly and severally with Bauknight, with Pope's attorneys' fees and costs of responding to this bad faith motion and the false, career-threatening allegations made by Hynie.

The grounds and basis for this response are:

a. All arguments in Pope's Return to Motion to Strike of Bauknight, affidavits and filings, which are incorporated herein by reference.

b. Hynie's admission that irreparable harm would be done if the S.C. Supreme Court knew of the contents of her "diary."

c. Hynie's failure since at least August 10, 2007, when the "diary" became public and its contents widely discussed, to seek an Order to Seal under the statutory procedure.

d. If not expired in April 2008, the Gag Orders are void *ab initio* as unconstitutional.

e. Hynie has unclean hands, having discussed the "diary" contents in the media after the Gag Orders.

f. Hynie's discussion with Petriello waived any claim to regain to privacy as to the contents of the already-public "diary."

g. Hynie has acquiesced in allowing 21 people who received the "diary" transcript from Wayne Byrd, Esquire on February 13, 2008, to retain copies, including: The Attorney General of Georgia (Grace Lewis, Esq.); The Attorney General of South Carolina (Jones); David B. Bell, Esq; Matthew Bodman; Wesley Kirkland, Esq., Peter Shahid, Esq.; James Bailey, Esq., Louis Levenson, Esq., Albert Dallas, Alford Bradley. [None except Buchanan/Pope turned their copy into the Court as directed by the Gag Orders.] [Ex. A]

h. This Court lacked constitutional authority to gag 100 or more people without notice, showing of need or hearing.

i. The Gag Order is not the Law of the Case because it was unconstitutional; void; not final; and the Settlement appeal was in another case – Case 1647.

j. This Court lacked authority to gag the Attorney General of Georgia or others – for 4 years.

k. Hynie fails to present – even now – appropriate sworn information about the need to try to secrete the long-public “diary” copies or their contents.

l. Hynie failed to comply with Rule 11.

Some of these issues are argued below.

The Court Has Jurisdiction to Void its Unconstitutional Gag Orders

Hynie suggests that an appeal in another Case – Case 1647 -- robs this Court of jurisdiction to void its own overbroad Gag Orders. This argument has no merit.

As a Party and/or Interested Person Pope is Entitled to Notice, Hearing And a Right to Participate in Case 122 and all James Brown Cases

It is clear that Pope, individually, is entitled to notice and hearing (which she has properly demanded) in every James Brown matter in which her individual interest is affected because she is a Party, Interested Person or both as to each. Just some of the matters in which she is interested include:

1. The February and March 2008 Case 122 Gag Orders.
2. The April 8, 2008 Case 122 Order granting Pope costs against Cannon.
3. The Dallas commission case.
4. Pope’s commission claim in the Probate Court.
5. The Case 1647 appeal of her replacement.

Section 62-1-201 of the S.C. Probate Code defines and clarifies that “Interested Persons” :

... includes heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding. [Emphasis supplied.]

The Probate Code provides a fluid definition, which includes Pope in the James Brown cases, so that Due Process in the form of notice and a right to be heard may be granted to those affected by petitions and orders issued in an Estate.

Pope is an Interested Person. Pope has filed a Demand for Notice which Bauknight has – at times – honored, and at times disregarded.

Probate Code § 62-3-105 states:

SECTION 62-3-105. Proceedings affecting devolution and administration; jurisdiction of subject matter.

Persons interested in decedents' estates. . . may petition the court for orders in formal proceedings within the court's jurisdiction including but not limited to those described in this article.

The definition of "Formal Proceedings" in Section 62-1-201 is:

(15) "Formal proceedings" means actions commenced by the filing of a summons and petition with the probate court and service of the summons and petition upon the interested persons. Formal proceedings are governed by and subject to the rules of civil procedure adopted for the circuit court and other rules of procedure in this title.

Case 122 , as the Court has found, is a collection of several Formal Proceedings

commenced in the Probate Court and removed to Circuit Court.¹

Under the Probate Code Pope is – at a minimum – an “Interested Person” who has the right to “petition the court for orders in formal proceedings within the court’s jurisdiction.” Pope’s right to seek to be ungagged from Jg. Early’s 4-year-old Gag Orders is a substantial right.

Pope clearly has standing and a need to seek the relief she seeks in Case 122 and other cases. Pope’s filings and affidavits are proper.

An Expedited Hearing After Voiding the Gag Orders in Appropriate.

For all of the reasons set out in Pope’s Return to the Bauknight Motion to Strike, she asks this Court to stop the fraud on this and other Courts and conduct a hearing on questions which may save or completely destroy The James Brown “I Feel Good” Trust:

1. Is the \$4.7 Million valuation of Brown’s worldwide music empire outrageous?
2. Is the still-secreted appraisal also outrageous or the result of false information being fed to the appraiser?
3. Would someone who read Hynie’s “diary” really assert – as Bauknight has – that her elective share claim [both defective and withdrawn] is a “slam dunk.”
4. If they wouldn’t think it a “slam dunk” or the value \$4.7 Million, shouldn’t somebody read the “diary” and give a hard look at the appraisal?
5. Why would someone who knows that Brown’s Publicity Rights are about half the value of the worldwide music empire and not subject to Termination Rights tell the Court that “Termination Rights are all this case is about?”

¹ Unlike some of the Case 122 cases, the now-withdrawn Elective Share and Omitted Spouse petitions of Hynie filed in the circuit court in 2007 were not ever properly before the Court. Hynie failed to commence them in Probate Court; failed to attach a summons, as required; failed to serve the proper parties with summons and petition within the 120-day period; and then withdrew her claim under the August 10, 2008 settlement.

Exposing Hynie's Claim as Without Merit is Appropriate.

As Wayne Byrd, Esq., stated four years ago: it was the duty of the PR/Trustees to use the "diary" to refute Hynie's claim that she was Brown's spouse. The "diary" should be exposed if it will help either a subsequent Attorney General or the Court discover whether an egregious error has been made and \$20 Million should stay with the "I Feel Good" Trust for scholarships for needy and deserving students – not go to Hynie.

All Parties Interested in the James Brown Estate were not part of the Settlement, and use of the Settlement to promote an incorrect "Heirs" Determination is Inappropriate.

The recent letter of James William Curtis. [Exhibit B] is yet another example of the damage caused by the Settling parties' reckless disregard for what was the important ongoing – but never completed -- procedure to determine James Brown's heirs. Pope has stated that a proper determination would have eliminated Hynie; included the only properly determined heirs – Jeanette, LeRhonda and Cinnamon --; and might have included up to 10 others.

Statements that the Settling parties are all of Brown's heirs or all of the Interested Persons in the James Brown Estate are, quite simply, false.

Forlando and Romunzo Brown are just two beneficiaries of the 2000 Trust who did not join the Settlement, and never have.

Brown's only properly determined Heirs under State Law and the Federal Copyright Act – LaRhonda, Cinnamon and Jeanette – are not parties to the Settlement.

Under the Rodney Peebles, Esq., DNA protocol, for \$2,100 it could have been

determined which of the 7 settling party/claimed children are heirs. For another \$900 Deon, Lisa and now James Curtis could be identified or excluded as children. If children, their claim to Termination Rights under the Federal Copyright Act is stronger than the claimed-but-untested children who are "settling parties."

For 7 of thirteen or more heirs to simply agree they will not seek DNA testing of each other and that a non-spouse is the spouse does not make it so.

Hynie's assertion that voiding the gag on Pope and re-releasing her already public 'diary' will cause her irreparable harm speaks volumes.

Pope's Affidavits and filings should remain and be declared appropriate.

The "diary" orders are not the Law of the Case

The only interpretation of the "diary" Gag Orders that comports with the Due Process and First Amendment rights of the 100 or more persons intended to be gagged is that they were either void *ab initio* or that the reference to a further hearing caused them to expire in 10 days when Hynie did not seek a hearing. In either case, the "diary" Gag Orders could not have been appealed because they did not exist, or would have been moot, when the appeal was taken.

There is not yet an appeal related to Hynie's claim to be Brown's spouse, and will likely never be. Hynie has never been determined by any Court to be Brown's spouse. And she withdrew her spousal claim – defective when filed – when she reached the settlement with some of the parties on August 10, 2008.

Further, the appeal which Hynie suggests makes the Gag Orders the law of the case was not even in this case – but in Case 1647.

Nineteen of 21 or more attorneys – including an Attorney General's Office and

several who are asking this Court to continue the Gag Orders as to Pope – have never turned their copies into the Court as the Order directed. [See Ex. A]

The Law of the Case Doctrine is not applicable to void, temporary discovery orders which violate Due Process and First Amendment Rights.


The Media Should Know if the Settlement Order was Unjust or a Result of Fraud.

If Gag Orders issued and largely forgotten in 2008 are or were used by Hynie and Bauknight to obtain the May 26, 2009 Order; silence the truth; perpetrate fraud on any Court; or allow Hynie to keep \$20 Million or more that James Brown gave for scholarships for needy and deserving students through the “I Feel Good” Trust, the media should be free to discuss it.

If Attorney General McMaster and his staff – not Pope – should have asked this Court in 2008 to declare the Gag Orders void or expired so he could continue to discuss the known “diary” contents before he agreed to give Hynie 25% of James Brown’s worldwide music empire, the media should know . And the media should know, and evaluate, whether McMaster’s successor and Bauknight, who serves at his pleasure – by attempting to continue the Gag Orders – are working for the “I Feel Good” Trust or for Hynie.

The Motion of Hynie to Strike should be denied, and Pope granted an expedited hearing and the relief requested above.

Respectfully submitted,



Adele J. Pope
1228 walnut Street
Newberry, South Carolina 29108
803-413-0753

Pro Se

June 15, 2012

Exhibit A

TURNER PADGET
TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH
REPLY TO:

R. Wayne Byrd

E-Mail: WByrd@TurnerPadget.com
Writer's Direct Dial: (843) 213-5504
Direct Fax: (843)213-5604

February 13, 2008

VIA EMAIL: inrosen@rosen-lawfirm.com

Robert N. Rosen, Esquire
Rosen Law Firm, LLC
P.O. Box 1840
Charleston, SC 29401

Re: Estate of James Brown, Deceased a/k/a James Joseph Brown
Probate Court Case No.: 2007-ES-02-0056
Court of Common Pleas of Aiken County
Civil Action Number: 2007-CP-02-0122
Our File No.: 09186.00101

Dear Mr. Rosen:

Enclosed herewith is a copy of the diary. Also enclosed is a transcript of the diary.

The diary was obtained by one or more of the Personal Representatives and Trustees from James Brown's residence subsequent to his death. The transcript was prepared from the diary and delivered to Lewis and Babcock's office.

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.

R. Wayne Byrd by Audra M. Byrd

R. Wayne Byrd

RWB:amb

cc: Hon. Doyet A. Early, III (via email: dearlyj@sccourts.org and dearlylc@sccourts.org)
Albert H. Dallas (via email)
Alford A. Bradley (via email)
Adele Pope, Esq. (via email: adele@popelawfirm.com)

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Robert Buchanan, Esq. (via email: rlbuchananjr@bellsouth.net)
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H. Wesley Kirkland, Jr., Esq. (via email: [wes Kirkland@bellsouth.net](mailto:weskirkland@bellsouth.net))
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S. Alan Medlin, Esq. (via email: amedlin@sc.rr.com)
David L. Michel, Esq. (via email: d_michel@yahoo.com)
Louis Levenson, Esq. (via email: louis@levensonlaw.com)

Exhibit B

June 9, 2012

James William Curtis
1750 Karen Ave #205
Las Vegas, NV 89169

Dear Sirs,

This to inform you that I am James Brown's oldest son I will be 62 January 18, 2013 I was born in 1951, in Birmingham AL and was raised in Augusta GA. I know my dad when he started in the juke joints where we met my mom who is deceased also. I am closely following this case and my sisters and brothers so if any of the non inherited children receive anything you must start with me because I was born before his oldest son that died.

Please fill free
to contact me
at 347 520-0752
Thank you,
James W. Curtis
ok yes you may take my
DWA

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
SEP 17 2012
SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Case No. 2007-CP-02-0122

IN RE: THE ESTATE OF JAMES BROWN A/K/A JAMES JOSEPH BROWN

Adele J. Pope Appellant,

v.

Alan Wilson, Attorney General of South Carolina,
Russell Bauknight as Trustee of the Legacy Trust
and in other fiduciary capacities, and Tommie
Ray Hynie Respondents.

PROOF OF SERVICE

I certify that on the 17th of September, 2012, I have served the Appendix, including Affidavit of Adele J. Pope as Exhibit 1, on Respondents as shown below by depositing a copy of same in the United States Mail, postage prepaid, addressed to their attorneys of record as follows:

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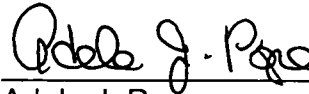
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and on

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Pro Se

August 14, 2012