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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2012-212917

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.

REPLY TO RETURN OF RESPONDENTS AND OTHERS TO
MOTION TO STRIKE MOTION TO DISMISS

The tone of the Return of September 27, 2012 detracts from the important
issue in this appeal:

Should Judge Early have heard the challenge to the the 4 ½ -year-old
Hynie "diary" Gag Orders and declared those gag orders void *ab initio*
or expired?

Attacks by the Attorney General on a person asking our Supreme Court
important questions about the right of individuals in South Carolina to create and
maintain privately-run foundations raises another question: Why?

As stated herein, the Return adds no meaningful reason to deny Appellant's motion to strike, which should be granted.¹

A. Appellant's Caption is Correct and Proper.

1. The Caption Appropriately Reflects the proceeding below.

Prior to April 8, 2008², many parties and counsel involved in the Aiken County James Brown matters ignored basic filing requirements in both probate and circuit court. For more than a year miscellaneous filings from both courts were collected by the Clerk under Aiken County Case 2007-CP-02-0122 ("Case 122").

Most filings – even those involving both the Estate and the James Brown 2000 Irrevocable Trust – named no Plaintiff or Defendant and contained only the following caption:

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

This was true of the February 15, 2008 Motion of Hynie to "require all prior

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Appellant disputes many of the "facts" and all conclusions contained in the return which suggest impropriety of Appellant or her counsel. She incorporates all arguments contained in the motion to strike, affidavits, initial brief and filings. As to publicity issues, Appellant asks the Court to take judicial notice of the thousands of self-generated publicity pieces by: (1) AG McMaster; (2) AG Wilson (3) Bauknight (4) David Black, Esq. (5) Nexsen Pruet; (6) AG candidate Leighton Lord, III, Esq. of Nexsen Pruet ;(7) Hynie (8) Rev. Al Sharpton; (9) The James Brown Children's Foundation; (10) Deanna Thomas; (11) Daryl Brown; (12) Yamma Brown; (13) Powell Goldstein, now Bryan Cave; (14) Hynie and (15) AG Alan Wilson, as well as the 2007 Press Notice of (16) Robert Rosen, Esq. and the television and media appearances and statements of Rosen and (17) Louis Levenson and (18) Jacque Hollander. [See Attachment 2, samples only.] In addition, she asks the Court to take judicial notice of the unsolicited media attention generated by them. [See Attachment 3, samples]

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AG Wilson, Hynie and others include in their attachment only three pages of the April 8, 2008 Order of the Hon. Doyet A. Early, III.

and current personal representatives, trustees and their current counsel to return all diaries, documents and personal effects of Petitioner,” which was captioned:

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

Five days later, without notice or hearing, the first gag order was issued. By March 10, 2008 – still with no hearing – the last two Gag Orders were issued.

The captions to the Gag Orders, like the Hynie motion, contained no hint of who the parties were. They were:

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

On April 8, 2008 Judge Doyet A. Early, III established a new Case 122 caption.

With some resistance from lawyers seeking *pro hac vice* status and not wanting to pay additional filing fees, Judge Early also began to segregate the various cases – directing the Clerk to assign them new numbers.

The effort was partially successful, but imperfect. For example, the Dallas and Bradley appeal to this Court from the April 8 Order names only Dallas and Bradley as Appellants and Buchanan and Pope as “putative Trustees” as Respondents.³ [Attachment 1]

When Hynie sued Appellant and Buchanan for breach of their duty to Brown’s Estate and the 2000 Trust, they needed to be ungagged to speak about the contents of her diary which they had known for years.⁴

³ Mr. Levenson’s clients were not permitted to join in the appeal.

⁴

Appellant’s defense that Hynie is neither Brown’s beneficiary nor his spouse would

Appellant's petition to declare the Gag Orders void used the Caption contained in the Gag Orders.⁵

Hynie's Return of May 21, 2012 used the same caption.

No objections to the caption were raised at the hearing on May 22, 2012.

At the May 22 hearing, Bauknight, Attorney General Wilson and Hynie sought to keep the Hynie "diary" Gag Orders in place.

Judge Early's July 11, 2012 Order dismissing Appellant's request to declare void/moot the three Gag Orders contained the following caption: IN RE:

THE ESTATE OF JAMES JOSEPH BROWN A/K/A/ JAMES JOSEPH BROWN.

The caption of Appellant's Motion to Reconsider the July 11 Order, properly identifying the parties who argued to enforce the Gag Orders, designated AG Wilson, Hynie and Bauknight as "Objectors."

preclude any recovery from Buchanan/Pope by Hynie and strengthen their counterclaims. Hynie's counsel admits that ungagging Appellant and others will cause Hynie "irreparable harm."

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As for the suggestion that Appellant should have sought to be ungagged and release the "diary" for the Case 1647: She did. Jg. Early, however, declined to grant any requested discovery or hear motions that Hynie was not Brown's spouse.

With the widely-known contents of the Hynie "diary" in AG Wilson's office and among the parties to the Case 1647 appeal, it could not reasonably have been anticipated that anyone would have represented Hynie's elective share claim was a "slam dunk" – or that a Sr. Assistant AG following the remark would not have corrected it.

At the May hearing on the Gag Orders, Bauknight's counsel made a similarly shocking statement. He told Judge Early that he [Judge Early] had rule in 2009 that Hynie was Brown's spouse. Appellant immediately corrected the record. The issue is before the Court in Case 4900, but has never been heard or ruled on in Aiken.

When the Motion to Reconsider was denied, the names of the objectors were placed on the appeal caption as Respondents.

There was no grand design. To use another caption would have been incorrect, and possibly misleading.

The Caption is Correct, and the Motion to Strike should be granted.

2. Appellant is not adverse to Bob Buchanan.

The suggestion that Appellant is adverse to Bob Buchanan is incorrect and unsupported in the record. All actions Buchanan and Appellant took from November 20, 2007 through May 26, 2009 were joint, as was their appeal of the McMaster settlement. Their answer and counterclaims in Case 4900 were joint. The facts Buchanan alleged have not changed because of his settlement. Their counterclaims against Cannon joint venturer Forlando Brown for the \$500,000+ cost of his now-abandoned frivolous federal suit are virtually identical.

3. Appellant's Objection to the May 24, 2012 Order.

As with the April 8 Order, the Return ignores the critical features of Appellant's motion related to the May 24, 2012 Order.

When the personal and financial cost of his faithful 5-year service to the Estate Plan of James Brown became too high, Bob Buchanan was obliged to quit – but with dignity. AG McMaster's and Hynie's goal, stated in the open record on September 9, 2009, was nearing completion:

.....THE ATTORNEY GENERAL DOESN'T WANT THEM EVEN IF THEY WIN ALL THE WAY OUT, THE ATTORNEY GENERAL'S OFFICE WOULD

BE THE LAST PERSON STANDING AND THE ATTORNEY GENERAL'S OFFICE DOES NOT WANT THEM AS FIDUCIARIES. [Emphasis supplied.]

Appellant's objections to the May 24 Order were many, but not in any way adverse to Buchanan. Appellant's notation about errors in the caption was not even included in her objections.

The Motion dealt with the use of Estate/2000 Trust's money to buy releases from Bob Buchanan's counterclaims for Hynie and others Brown disinherited before the McMaster settlement appeal was decided. She said:

4. ... [A]ll terms other than the actual direction for payment are unjust and a result of the improper financial strangulation of Buchanan for the improper purpose of extracting a benefit for Hynie and others.

and:

The Estate cannot properly purchase releases from Buchanan's counterclaims in Case ...4900 for Hynie and others. [Para. 5.c.] [Emphasis supplied.]

Appellant also raised concern about being unable to protect the "I Feel Good" Foundation if the Supreme Court rejects the McMaster settlement. She said:

... Bauknight has breached his duty...by extracting a promise during a pending appeal that Buchanan will not take appropriate measures to protect the Estate Plan of James Brown without seeking permission from the Supreme Court to do so. [Emphasis supplied.]⁶

As Pope's Motion stated, the Order was improper. A request by AG Wilson

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In May 2009, before the May 26th Order, Buchanan and Appellant filed a revocable selection of Columbia Attorney Ronald Stanley and former Warner Music executive, Ray Gonzales, a Nashville Attorney, as their successors. The appointment could possibly come into play as a result of the Buchanan settlement.

and others that it be withdrawn has been made.

B. The Signature Requirement is Important --Not Absurd.

The Appellate Court Rules have a purpose. Correct signatures are important. This is especially true in the James Brown cases.

To understand why, one only need glance at the confusion in Case 4900, where AG McMaster loaned without required supervision the power of the State to private attorney ,Wingate⁷, who also serves Hynie and other private clients.

1. AG Wilson's Litigation Retention Agreements are public, but Wingate asserts his Agreement with the State to sue Buchanan/Pope is private.
2. AG Wilson says the AG is "ready and more than willing" to produce the McMaster/Wingate Agreement, but Wingate refuses.
3. AG Wilson, through Wingate, issued an abusive subpoena to a journalist which, after nationwide bad press, was withdrawn. [Attachment 4]
4. AG Wilson, through Wingate, obtained court-ordered mediation without discovery then announced six Plaintiffs are unable to attend.[Attachment 5].
5. Wingate has sought – and obtained – consolidation of a FOIA suit with the suit, preventing Wilson's own compliance with FOIA.

When AG Wilson placed Daryl Brown's name on the Motion to Dismiss, he had in hand a letter from Daryl repudiating the McMaster settlement. He had no authority from Daryl, who says he is unrepresented, to vouch for Daryl in this appeal because a typist misspelled Daryl's name⁸.

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Kenneth B. Wingate, Mark Gende of Sweeney, Wingate & Barrow, P.A. ("Wingate")

8

AG Wilson has since worked, through Wingate, to prevent a deposition of Daryl which would allow Daryl to say for himself whether he is still represented by Levenson. Levenson's 30% contingency of what AG McMaster gave Daryl is at risk if Daryl admits that the settlement was wrong and the "I Feel Good" Trust should be saved.

It makes no sense for the Attorney General to reject a letter that may help save the "I Feel Good" Trust because of a misspelled name. In the very Return which complains of the spelling of the Daryl letter, the scrivener misspells the name of Levenson client Venisha Brown and identifies two of Levensen's adult clients as minors.

Venisha Brown is incarcerated, and had been for some time. In Order to participate in the May hearing or this appeal she needed a Guardian ad Litem. She did not seek one.

Appellate rules say a party or his attorney must sign a motion. This did not happen. The unsigned motion to dismiss, as to all persons other than AG Wilson and Hynie, should be stricken.

C. Scurrilous Allegations of Impropriety are false.

1. The actions of Buchanan and Appellant have been proper.

In 2010 AG Wilson and Hynie told Judge Manning that the findings in the April 8 Order about the propriety of the service of Buchanan and Pope were "dicta." They were not. The April 8 Order is binding on AG Wilson; Hynie and others.

Judge Early found and ruled, in part, in the April 8 Order:

[Buchanan and Pope] requested that the Court conduct a full hearing on the propriety of their appointment and make the following findings:

- ... 2. Buchanan and Pope ethically and properly performed their service as Special Administrators ("SAs") and their claim for past services was properly ordered by the Court.
3. Buchanan and Pope ... may ethically serve simultaneously as PRs and Trustees under Mr. Brown's Will and the 2000 Trust, and... have properly done so since November 20, 2007.

After review of the entire record, this Court makes the following findings:

... 2. Buchanan and Pope have served properly to date... SAs, and...PR/Trustees...

On September 20, 2007 the Attorney General of South Carolina moved to intervene...

On November 2, 2007 the SAs [Buchanan and Pope]... petitioned... to allow engagement of ...Few... and Gilreath... in connection with losses by Cannon and others from 1999.

On November 13, 2007, the South Carolina Attorney General opposed the motion to engage counsel to seek redress for losses by Cannon and others since 1999.

...
On February 5, 2008, ... Buchanan and Pope as PR/Trustees brought an action against Cannon, Dallas.... The suit seeks... more than \$12 million....

Pope testified that she and Buchanan defined these duties as:

1. Preventing the return of Cannon, Dallas and Bradley...
2. Defending the Estate Plan of James Brown against all challenges to the Will and Trust and the claim of Tommie Rae Hynie Brown.
3. Resolving and defending...claims against the Estate.
4. Preserving assets of the Estate/Trust.

...
In summary, the service by Buchanan and Pope as both PRs and Trustees is appropriate, efficient and contemplated by the documents.

... This Court finds that Buchanan and Pope were properly appointed; have properly performed; and should continue in both capacities.⁹

... This Court has reviewed the record of Buchanan and Pope and found that their service in light of the emerging facts related to the former PR/Trustees ...

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The April 8 Order also held that “ ... a resigning Trustee may appoint a Successor” and “[a]ll individual beneficiaries of the Trust... ratified the ... the appointment of Buchanan and Pope as successor PR/Trustees...[who] have all the rights, powers and duties, authority and responsibility conferred upon the Trustee originally named herein.”

outstanding. [Emphasis supplied.]

3. Appellant's Request for July 12 Hearing on false statements.

Had AG Wilson and Hynie not urged Judge Early to cancel a hearing scheduled for July 12, 2012 — based on the representation that Judge Manning had just ordered Appellant to appear at a mediation she was resisting — the Court could have decided who has been making false statements to the Court, including:

1. Was Hynie's claim to be Brown's spouse a "slam dunk," as asserted by Bauknight, Hynie and AG Wilson?
2. Were Appellant's claims that Hynie was not the wife "works of fiction", as Hynie asserts?
3. Was Buchanan's sworn IRS filing that Brown's worldwide music empire was worth about \$85 Million a \$79 Million overstatement to get a big commission?
4. Or was Bauknight's less-than \$4.7 Million value, endorsed by the Attorney General, wrong?
5. If the less-than \$4.7 Million value is correct, why has Bauknight refused to file information about the appraisal required by the Probate Code?
6. Is Appellant lying when she says AG McMaster, with knowledge that what he was doing was incorrect, improperly designated James Brown's "heirs" under the Federal Copyright Act, causing great harm to the "I Feel Good" Trust? [Attachment 6]

The dismissal order and cancelled hearing left those questions unanswered for now.

Three months later, however, and using the borrowed mighty power of the State, six of Wingate's clients have thumbed their noses at a Court-ordered mediation they requested and used as an excuse not to have a hearing on these questions.

Just two weeks before the October 12 date they selected, AG Wilson Hynie and their Co-Plaintiffs have informed the Court that despite being ordered to attend mediation:

For travel, distance, family, and/or other reasons six of the Adult Plaintiffs may not be able to physically attend the mediation in this matter.

4. The Levenson Clients and Former Clients.

The suggestion that Appellant has the “appearance of improper contact” with any Levenson client is baseless and malicious. If AG Wilson had not stopped Daryl Brown’s scheduled July 19 deposition this would be a matter of record.

In an August 27, 2010 filing Daryl, Terry and others told Judge Manning:

... the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. This objective was the often stated and well-known desire of James Brown. [Mem. Opp. P.2]

In 2012 Terry’s son reported that there was “treachery” when the McMaster settlement was forged. Daryl, in a taped interview, has said Hynie was not Brown’s spouse and the settlement was a mistake.

These statements, along with the public proclamations of Deanna about “greedy trustees” and the \$100 Million value of her father’s assets – which Bauknight has valued at less than \$4.7 Million – suggest that the parties whose names appear on the return may not “speak as one.” There is even a question as to whether they still speak as one with their lawyers, who are clinging to the \$20+

Million they expect to be paid in secret from the McMaster settlement.¹⁰

Whether AG Wilson and Hynie speak as one with Levenson while he represents Daryl, minors whose parents destroyed their education trusts, the parents of those minors, and an incarcerated adult, is not before this Court.

What is before this Court is: What is the effect of AG Wilson's adding all of these names to a motion to dismiss where neither the parties nor an attorney signed for them?

The motion to strike should be granted.

5.. Appellant is Not Required to Deal with Hynie, the AG and Others as One.

It is old news that since November 2007 Buchanan and Pope have worked vigorously – but appropriately – to save the “I Feel Good” Foundation.

It is no secret that AG Wilson alone – or perhaps even a majority of the claimed settling children – could save the “I Feel Good” Foundation and return it to the private operation which Brown intended.

It is no secret that this is a big deal because what James Brown gave to the “I Feel Good” Trust solely for needy and deserving students earned \$10 Million last year alone.

Appellant has a right to seek out anyone from among the “Settling Parties” who will work to undo the damage done to James Brown's noble estate plan.

¹⁰

The McMaster-created “Legacy Trust,” slated to pay \$20 Million or more to Levenson, Hynie's lawyers, Nexsen Pruet, and Bell, has hired Camden Lewis, Esq. to help AG Wilson fight FOIA requests for a copy of the Legacy Trust. They assert the Legacy Trust, created by one attorney general and controlled by another, is private and not subject to FOIA.

6. Appellant has not "Teamed Up" With Dallas.

The April 8 Order and transcript of the March 7, 2008 hearing in this Case 122 make clear that the allegation Appellant is "teaming up" with Dallas is baseless. Dallas does have information which can be checked for accuracy with others, to show that:

1. Brown's worldwide music empire was worth \$100 Million at death, less the TIAA debt.¹¹
2. Hynie was not Brown's spouse and knew it.
3. Because of his cancer and vasectomy, it is unlikely that Hynie's child, the only one to claim since 1984, was Brown's.
4. Hynie, Venisha and another child were present when Brown executed

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In 2009 Russell Bauknight, in an attempt to prevent Buchanan and Appellant from remaining parties to the Case 122 Dallas/Bradley appeal, advised this Court that he adopted the brief they had filed. That brief stated:

In December, 2007....acknowledged children and Tommie Rae...challenged the validity of both the Will and 2000 Trust, claiming Mr. Brown's \$85.6 Million gross assets for themselves.

In 2010 Bauknight told the IRS both Brown's worldwide music empire and his claim for the return of the \$12+ Million Cannon took were worth less than \$4.7 Million at Brown's death on December 25, 2006.

In May 2011 Bauknight and others disclosed this figure to the Supreme Court, and asked that the Supreme Court supplement the record on appeal ("ROA") with this surprising figure, even though the ROA contained more than 100 references to a value between \$80 and \$120 Million. [In 2009, when he recommended the McMaster settlement Bauknight did not know value but said he had "heard" \$80 Million.]

In May 2011 Bauknight also filed a sworn I&A in the in the Aiken County Probate Court with the less-than-\$4.7 value, but has refused to comply with S.C. Probate Code provisions requiring him to designate the appraiser or produce the appraisal.

his Estate Plan more than six years before his death.

5. Brown was hurt when Deanna and Yamma, with knowledge they were omitted from the music empire, sued Brown in 2002. [10]

This valuable information could help undo a mistake by former Attorney General McMaster's office which took more than \$50 Million from the "I Feel Good" Foundation. It is hard to understand why AG Wilson would fight to prevent the Dallas deposition.

2. The Attorney General has Teamed Up with Cannon and Dallas.

Omitted portions of the April 8 Order touch upon the relationship of AG McMaster's office with Cannon and Dallas:

On January 1 or 2, 2007 Dallas, consulting with Cannon, created ... "Dallas Schedule B"... Schedule B asserts that the following assets were transferred ... to the 2000 Trust:

All copyrights ... rights to income from any copyright or publishing rights to musical compositions.... likeness, image and persona of James Brown

...

Dallas did not advise ...of his post-death authorship of Dallas Schedule B until after November 20, 2007...

On March 5, 2007 Cannon, Dallas provide "all schedules B" to... determine the "next steps"... These actions were not revealed to the Court until 2008.

... The SAs were not told that the Dallas Schedule B was created by Dallas after Mr. Brown's death.

...

Before July 10... Powell Goldstein ... sent Dallas documents purporting to transfer the situs of the 2000 Trust from South Carolina to Georgia.....

On or about August 10, 2007 Cannon wired \$866,000 to Honduras. ...

On September 20, 2007 the Attorney General ...moved to intervene...

On November 2, 2007 the SAs ... petitioned... to allow engagement of ...Few... and Gilreath... in connection with losses by Cannon and others from 1999.

On November 13, 2007, the South Carolina Attorney General opposed the motion to engage counsel to seek redress for losses by Cannon and others since 1999.

By November.... Cannon repeatedly asserted his Fifth Amendment rights.

On February 5, 2008, ... Buchanan and Pope as PR/Trustees brought an action against Cannon, Dallas,... The suit seeks... more than \$12 million....

The .. secret action... to... remove the situs of the Trust to Georgia raises numerous disturbing issues. [Bold supplied.]

Just two days after Buchanan and Appellant filed suit against Cannon and Dallas, AG McMaster appeared on WIS-TV with Forlando, a Cannon joint venturer, to make scandalous statements about Buchanan and Appellant.

In November 2010 McMaster named Cannon and Dallas as AG McMaster's witnesses in Case 4900.

In 2011 AG Wilson sought neither jail time nor restitution for Cannon.

In 2012 AG Wilson's appointee Bauknight dropped the 2000 Trust's counterclaims against Forlando for the cost of his frivolous federal suit.¹²

6. The Publicity

On August 23, 2012, the Attorney General of South Carolina - whose office is a public relations juggernaut – sheepishly asked Judge Manning to:

“provide Plaintiffs with guidance on how to proceed in this matter in light of the potentially prejudicial trial publicity that has occurred.”

AG Wilson asserted:

Pope, her counsel, and/or other persons acting on behalf of

¹² Cannon's lawyers at Powell Goldstein represented Forlando in the federal suit which Forlando asked the Court to drop.

Defendant Pope may be responsible for many of the statements contained in Exhibit A.¹³ [Emphasis Supplied.]

In the face of Appellant's five years of silence except when speaking to the Court, AG Wilson said he, Hynie and others to whom he has loaned the mighty power of this State and the dignity of his high office:

"are concerned that these statements may be doing continuing harm to the Estate of James Brown and may be prejudicial to this adjudicative proceeding."

There is simply no evidence to support the silly suggestion – now presented to two courts – that Appellant, a semi-retired journalist from Newberry and a second year lawyer are manipulating the worldwide media; causing harm to the Estate of James Brown; or prejudicing any judicial proceeding.

CONCLUSION

The Attorney General's association with Hynie, Cannon and Dallas – not any act of Appellant --has brought continuing harm to the Estate of James Brown.

Appellant's motion to strike as to all persons except AG Wilson and Hynie was appropriate. The return presents no reason to deny the requested relief. The Court should strike the motion to dismiss of these persons.

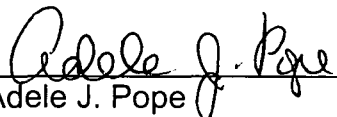
The remaining motion to dismiss of Respondents Hynie and AG Wilson, and their request for stay, should be denied. Hynie and AG Wilson should be

¹³

Exhibits A was a list of about 100 of the perhaps ten thousand or more articles generated since the James Brown cases began in January 2007. Statements attributed to Appellant are limited to those made in open court and filings. The letter of her counsel referenced in the return is part of the public record.

directed to file their initial brief.

Respectfully submitted,


Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com
S. C. Bar # 4501

September 30, 2012

EXHIBIT A

Attachment 1

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

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

The Honorable Doyet A. Early, III Circuit Court Judge

Case No. 2007-CP-02-0122

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

Albert H. Dallas and Alfred A. Bradley,
Trustees of the Irrevocable Trust Agreement
of James Brown Appellants,

v.

Adele J. Pope and Robert L. Buchanan, Jr.,
Putative Trustees of the Irrevocable Trust
Agreement of James Brown Respondents.

BRIEF OF RESPONDENTS

Tressa T. H. Hayes
Shipley & Hayes, PC
445 Meeting Street
West Columbia, SC 29169
Telephone: 803-794-7588
Facsimile: 803-739-2024

James D. Bailey
Law Office of James D. Bailey, PC
100 Park Avenue SW
PO Box 2376
Aiken, South Carolina 29802
Telephone: 803-648-9529
Facsimile: 803-642-6041
Attorneys for Respondents

On December 18, 2007, Buchanan and Pope withdrew the motion of the prior PR/Trustees to declare JBE, Inc., an asset of the Estate because evidence had "rendered Mr. Bradley and Dallas' motion improvident." (Withdrawal of Mt 12/18/07 p. 2, R. p. 935)

On December 20, 2007, Appellants filed a motion asking The Honorable Doyet A. Early III, Judge of Circuit Court, to recuse himself and appoint another judge to hear the recusal motion. (Mtn Recusal, R. pp. 937-985; Mtn Appt. Jdg, Supp. R. 985A) The motion was vigorously opposed; and the alleged facts challenged. (Tr. 1/4/08 pp. 20-43, 48, R. pp. 1660-1683, 1688; Tr. 2/20/08 pp. 35-55, R. pp. 1832-1852; Affs. Carter 1/2/08, Rosen 1/08, Medlin 1/08, Freeman 12/31/07, Smoak 1/1/08., R. pp. 2371-2387) Judge Early denied the motions during hearings on January 4 and 9, 2008. At the request of new counsel for Appellants, he delayed entry of a written order. After new counsel requested that the court proceed with a written recusal order, it was issued on February 19, 2008, and filed on February 20, 2008.

In December, 2007, six of Mr. Brown's seven acknowledged children and Tommie Rae Hynie Brown challenged the validity of both the Will and 2000 Trust, claiming Mr. Brown's \$85.6 Million gross assets for themselves.²⁸

On January 4, 2008, Buchanan and Pope filed a return and opposition to all motions to vacate, alter, amend or reconsider the November 20 Order, supported by Affidavits. (Ret. Recon. 1/4/08, R. pp. 1007-1020; Aff. Buchanan 1/7/08; Aff.s Pope 1/6/08; 1/7/08, R. pp.

²⁸Dallas and Bradley have valued Mr. Brown's assets at the time of his death at a gross value of \$85,663,562.99 Million. Respondents are defending against claims in excess of \$46 Million, including approximately \$16 Million in claims asserted by Cannon, Dallas and Bradley.

**STATEMENT OF ROBERT N. ROSEN,
LEAD COUNSEL FOR TOMMIE RAE BROWN
JANUARY 31, 2007**

Tommie Rae Brown, James Brown's widow, has today filed her Petition in the Probate Court in Aiken, South Carolina asserting that she is the surviving spouse of James Brown, that she married Mr. Brown after the execution of his Will dated August 1, 2000 and that she is, therefore, entitled to one-half of the estate. In the alternative, she claims a right to her elective share which is one-third of the estate.

Mrs. Brown also petitioned the Court for the appointment of a Special Administrator to preserve the estate and secure its proper administration and to be allowed to enter the marital home. These issues will be heard by the Court of Common Pleas, Judge Early presiding at 10:00 a.m. on February 9, 2007 in Aiken, South Carolina.

Mrs. Brown seeks an order of the court allowing her to return to her home on Beech Island, South Carolina to retrieve her personal possessions and those of her 5-year-old son by Mr. Brown, James Joseph Brown, II. To date Mrs. Brown has been prevented from returning to her home, but she is asking Circuit Judge Jack Early to allow her to retrieve her things.

Mrs. Brown is represented by lead counsel Robert N. Rosen of The Rosen Law Firm in Charleston, South Carolina. Also on Mrs. Brown's legal team are T. Heyward Carter and Andrew Chandler of Evans, Carter, Kunes & Bennett, experts in probate, trust and estate law; David Michel of Charleston, an experienced Probate Court litigator and former Assistant Solicitor; and Professor S. Alan Medlin, Professor of Probate Law at the University of South Carolina School of Law. Professor Medlin is a nationally-recognized expert on probate law and has served as editor-in-chief of the *American Bar Association's Real Property, Probate and Trust Journal*.

"We are asking the Court to allow Mrs. Brown to return to her home and retrieve her personal belongings, including furniture she picked out for the house she helped James Brown turn into a home they shared for almost 10 years," said Robert Rosen. "We have great faith in Judge Early to determine all of these issues in a fair and impartial manner."

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
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IN RE: THE ESTATE OF)
JAMES BROWN)
a/k/a JAMES JOSEPH BROWN)
)
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_____)

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

PETITION

This matter comes before the Court based on a Motion and Petition of Tommie Rae Brown by and through her undersigned counsel, who would allege as follows:

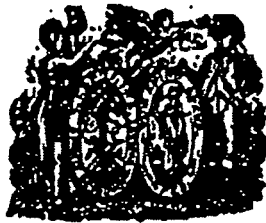
1. That Pctitioner Tommie Rae Brown is a citizen and resident of Aiken County, South Carolina.
2. That Petitioner Tommie Rae Brown is the surviving spouse of James Brown, the decedent.

First Cause of Action

Demand for Notice

3. That the Petitioner re-alleges as if repeated herein verbatim paragraphs one (1) and two (2).
4. That the Petitioner demands notice and copies of all of the following documents including but not limited to:
 - a.) Application for Informal Probate or Appointment
 - b.) Information to heirs and devisees
 - c.) Petition for Formal Probate or Appointment
 - d.) Proof of Notice to Creditors
 - e.) Inventory and Appraisement
 - f.) Accounting

Marriage Certificate



LICENSE NO. 207020

STATE OF SOUTH CAROLINA,
AIKEN COUNTY

PROBATE COURT

To Whom It May Concern:

THIS IS TO CERTIFY, That on the 14th day of DECEMBER, 2001

at BEECH ISLAND in Aiken County, State of South Carolina,

<u>JAMES BROWN</u>	<u>BEECH ISLAND, SC</u>	<u>68</u>	<u>and</u>
MAN'S NAME	ADDRESS	AGE	
<u>TOMMIE RAE HYNIE</u>	<u>BEECH ISLAND, SC</u>	<u>32</u>	
WOMAN'S NAME	ADDRESS	AGE	

were united in the Bonds of Matrimony by LARRY FRYER

MINISTER in accordance with the law of South Carolina,
OFFICIAL TITLE

in such cases made and provided, and as shown by the records of this Court that the information

given is that their race is BLACK/WHITE and their Nationality is American.

Mail Online

Soul feud: James Brown's former producer sues family to stop payout from singer's \$100 million will

By Daily Mail Reporter

Last updated at 3:05 AM on 4th April 2011



Soul star: James Brown left a reputed \$100 million fortune when he died

James Brown's former record producer is battling to stop his children getting a share of the Godfather of Soul's \$100 million

fortune.

Jacque Hollander claims the singer wanted his estate to go to needy children and is seeking a federal court injunction to halt the payout.

When Brown died on Christmas Day 2006, aged 73 he acknowledged six children, but only left them personal and household mementoes.

Hollander claims that the controversial Rev Al Sharpton is backing the family because he missed out on a bequest despite his long-time friendship with the soul star.

She told the New York Post: "He was left out of it. He always felt that he would walk away with a pretty sizeable chunk of James Brown and was left nothing.'

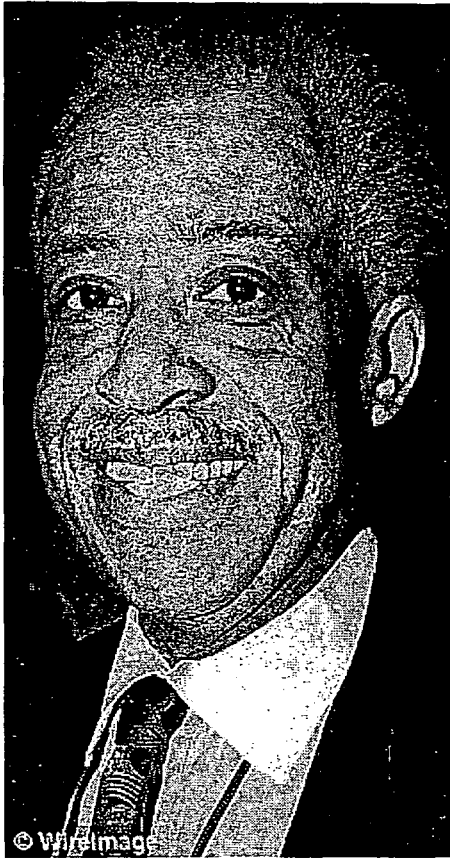
Sharpton, who opens the 20th anniversary conference of his National Action Network in Manhattan this week -- with President Obama in attendance -- denies he would benefit financially from the Brown estate.

The battle over his millions raged within days of his death. Tomi Rae Hynie filed a lawsuit claiming to be his wife and saying she had been locked out of their home in South Carolina. She is the mother of his son James Brown II.

His remains were placed in a crypt on daughter Deanna Brown Thomas' South Carolina property.

Brown's will said that if he failed to provide for any relatives, 'such failure is intentional and not occasioned by accident or mistake.'





Will battle: Brown's former producer Jacque Hollander and his friend Al Sharpton

Other than the personal effects, everything was to go into two trusts -- one for the education of his grandchildren and the other being the James Brown I Feel Good Trust.

Thomas told The Post the family sought to overturn the will because they believed it did not accurately reflect their father's wishes.

Sharpton was at their first hearing of the case, but Thomas insisted he won't get any money from the settlement.

The 2009 agreement reached between the trustee of the estate and the heirs calls for the children to get 25 per cent of the estate; for Hynie to get 25 per cent; and for the rest to go to a charitable trust.

At least \$2 million would go to another trust to educate the Brown grandchildren.

Hollander's legal claim and others have stalled all payouts. She said she and Brown formed the I Feel Good Trust in 1987 and wants to control it.

She is continuing to pursue what she believes the singer wanted despite accusing him of raping her at gunpoint while on drugs in 1988.

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James Brown's Estate Saddled By Debt



SUSANNE M. SCHAFFER 10/30/11 02:09 PM ET AP

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COLUMBIA, S.C. — James Brown's charitable trust had withered to just \$14,000 and his estate was saddled with more than \$20 million in debt before a professional money manager was able to turn it around, an attorney told The Associated Press.

Under a complex 2009 settlement, the manager took control of Brown's assets from the estate's trustees. That manager wiped out the crushing debt and paved the way for thousands of needy students to receive full college scholarships by next year from the charity by cutting deals that put the Godfather of Soul's music on national and international commercials for Chanel perfume and Gatorade.

The full details of that settlement and the dire condition of Brown's estate had previously been a mystery and were provided to the AP by David Black, an attorney for the money manager.

And now that deal – which gave about half of Brown's assets to the trust, a quarter to Brown's widow and young son, and the rest to his adult children – could be in jeopardy because the ousted trustees claim the deal should never have been approved and should be thrown out.

The deal brokered by then-South Carolina Attorney General Henry McMaster and approved by Circuit Judge Jack Early ended years of fighting among Brown's heirs, who came to realize no one would gain without an agreement. The disputes had started almost immediately after Brown died of heart failure on Christmas Day 2006.

But the trustees who'd been removed, Adele Pope and Robert Buchanan, argue in briefs filed to the South Carolina Supreme Court that the attorney general didn't have the authority to push through the settlement and want the whole thing thrown out. The court will hear arguments on the matter Tuesday.

The trustees argue they were not party to the negotiations that led up to the settlement, had opposed it, and were removed because of their opposition. The trustees' attorneys declined to comment beyond the court documents.

In their brief, lawyers for the attorney general's office argue the trustees hadn't conducted an appraisal of Brown's estate, had paid themselves hundreds of thousands of dollars from the sale of Brown's household and personal effects and claimed "\$5 million in fees and want to scuttle a settlement so that the litigation will continue." Furthermore, McMaster was justified in getting involved because under state law he must look after those who might benefit from a charitable trust.

At the time of the settlement, the exact value of Brown's assets was not made public and attorneys said his accounts had little money in them. In the summer of 2008, some of his possessions were auctioned off for \$850,000, in part to pay for the debt. All agreed at the time that future income from music and movie royalties and the use of Brown's likeness was what remained at stake.

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"Placing Pope and Buchanan back into power would be similar to throwing a grenade into the James Brown music empire," said David Black, an attorney for Russell Bauknight, the court-appointed special administrator and trustee for Brown's estate and the charitable trust. Bauknight has not commented on the status of the case since he was named in 2009, nor has he been paid for his work up to this point, Black said.

"We'd have to start from scratch."

Brown's death touched off years of bizarre headlines, beginning with his widow Tomi Rae Hynie being locked out of his 60-acre estate and photographers capturing her sobbing and shaking its

iron gates, begging to be let in.

Arguments over his where the soul singer was going to be laid to rest resulted in his body being held in storage in its sealed gold casket inside his home for more than two months. He was eventually buried at one of his daughter's homes. Family members at the time said they wanted to build a shrine to Brown around his grave mimicking Elvis Presley's final resting place at Graceland in Tennessee.

The settlement appears to have smoothed over the rifts among family members. None has sued to overturn the agreement.

Black said Bauknight hired a professional music manager and has poured all proceeds from Brown's music to pay off the estate's major debt, a \$26 million loan taken out by Brown that was supposed to be used to pay for a European tour. The final payment will be made seven years ahead of time by the end of 2011, Black said.

As yet, no payments have been made to any family members, Black said. Students in South Carolina and Georgia could start receiving scholarships by next year, Black said.

He said the family members favored the settlement because they found it to be fair, and because it is expected to generate even more revenue in the long term for the charitable trust.

"They believe the settlement provides a result that James Brown would have been proud of and they believe that the global settlement ending years of litigation, and preserving the charitable trust for needy school children, assures Mr. Brown's legacy," Black said.

Susanne M. Schafer can be reached at <http://twitter.com/susannemarieap>

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James Brown's Daughter, Deanna Brown, to Attend Grammy Museum Opening of Father's Exhibit

September 12, 2011 By [EurPublisher](#) [Leave a Comment](#)



*Los Angeles – On Saturday, September 17, 2011, The GRAMMY Museum will unveil the opening of “Say It Loud: The Genius of James Brown.” The exhibit will focus on James Brown as the “Godfather of Soul” – blazing a trail in American music by blending gospel, pop and soul as well as show Brown’s role as a trendsetter in both fashion and dance. The exhibit will also illustrate how Brown used his music and celebrity to positively impact the Civil Rights Movement and race relations of the 1960s.

Brown’s daughter and President of The Brown Family Children Foundation, Inc., Deanna Brown, will make a special appearance in celebration of the unveiling of her father’s exhibit. Bringing together a collection of diverse artifacts, rare photographs and more, the exhibit features items from the private collection of the Brown family.

“I am humbled about this very deserving exhibit on my father. I truly appreciate the GRAMMY Museum”, says Brown. “The exhibit speaks volumes about the

father by showcasing many different aspects of his life both personal and professional. If he were here; he would thank God for this opportunity, as it will be viewed by his fans from all over the world and especially the youth who will experience the genius of James Brown and his explosive and positive impact on the music industry.”

The “Say it Loud: The Genius of James Brown” will display a variety of items ranging from Stage costumes worn by Brown, including one of his signature capes, early albums, rare photographs of Brown both on and off stage, handwritten lyrics, ticket stubs, concert posters, tour books and fan memorabilia to name a few.

Deanna Brown also expressed:

“Dad always talked about the importance of clean music and how he constantly encouraged young artists to ‘keep it clean for Mama.’ May those who visit the exhibit be enlightened and inspired by the Soul of America’s music, my father, ‘The Godfather of Soul’, Mr. James Brown.”

Additionally, The GRAMMY Museum has interviewed artists and musicians who have worked with or have been influenced by Brown, sharing their perspectives on the role that he played in transforming R&B music into soul and the influence he had on fashion and culture. Featured footage includes conversations with Bootsy Collins, Darryl “DMC” McDaniels, T.A.M.I. Show Director Steve Binder, Chuck D and many more.

“Say It Loud: The Genius of James Brown” will be on display in The GRAMMY Museum’s Special Exhibits Gallery through January 22, 2012.



ABOUT JAMES BROWN “THE GODFATHER OF SOUL”:

Born into poverty in Georgia, James Brown began performing Gospel and first R&B hit came with the 1956 release of “Please, Please, Please” with However, it was in the following decade that that Brown achieved major s “Papa’s Gotta Brand New Bag.” As the 1960’s continued, Brown became



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much for his increasing social activism as his legendary live performances. Once dubbed as the 'hardest-working man in show business,' James Brown charted more R&B hits (116) than any other performer and is second only to Elvis Presley in Billboard Hot 100 pop hits (96).

ABOUT THE BROWN FAMILY CHILDREN FOUNDATION:

The Brown Family Children Foundation, Inc is a 501(c)(3) non-profit organization created for charitable and educational purposes. Our father, the founder of the Annual James Brown Turkey and Toy Giveaways, assisted underprivileged children and impoverished families through these and many other projects. It is in accordance with his wishes to continue to bring hope and fulfillment of life to those families in need that the foundation was created.

ABOUT THE GRAMMY MUSEUM:

The GRAMMY Museum explores and celebrates the enduring legacies of all forms of music; the creative process; the art and technology of the recording process; and the history of the GRAMMY® Awards, the premier recognition of recorded music accomplishment. It is located at 800 West Olympic Boulevard, Suite A245 in Los Angeles, CA 90015. With an entrance off of Figueroa Street, the Museum resides within the L.A. LIVE campus, at the intersection of Olympic Boulevard and Figueroa Street in downtown Los Angeles. For more information, visit, www.grammymuseum.org.

source:

Sharon Pinnix-Townsend

Sharon@bhfentertainment.com

Filed Under: [Entertainment](#), [Events](#), [Music](#) Tagged With: ['say it loud: the genius of james brown'](#), [deanna brown](#), [grammy museum](#), [james brown](#), [the brown children family reunion](#)

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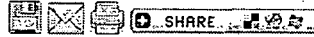


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Updated: 1:04 PM Dec 30, 2010

Only on 12: James Brown's daughter talks court battle, unreleased music

Deanna Brown is talking Only to 12 about a lengthy court battle and some exciting new possible projects from the Godfather of Soul himself.

Posted: 10:54 PM Dec 29, 2010

Reporter: Chris Thomas

Email Address: chris.thomas@wrwd.com

Like 3 people like this.



Deanna Brown-Thomas says she wants to see her father's legacy live on. (December 29, 2010 / WRDW-TV)

News 12 at 6 o'clock / Wednesday, December 29, 2010

Font Size: [A] [A] [A]

AUGUSTA—Deanna Brown-Thomas talked exclusively to News 12 about a lengthy court battle and some exciting new possible projects from the Godfather of Soul himself.

Four years after her father's death, Deanna is in a heated court battle to determine who gets what.

"There is a lot on the line," said Deanna. "My father worked very hard for his money. It didn't come easy."

Brown sang and danced his way to an estimated \$100 million estate.

"I guess everything has a number," said Deanna. "But don't low-ball my father. Don't low-ball his iconic, legendary status."

"I didn't live to see my father die to get his money," said Deanna. "But what I want to see is his name and his respect be put out there like it should be."

She hopes to turn the family home into a museum and provide scholarships for needy children.

"Dad always wanted a school," said Deanna. "The James Brown School of Music."

"We're hoping and praying next year," said Deanna. "You might even get some new music from the Godfather."

There is still a lot riding on that court battle, with no end in sight.

"We have to do what we have to do," said Deanna. "In order for these great things to come out, we've got to stand with what's right"

"We have dealt with plenty liars, plenty thieves, plenty people who are greedy," said Deanna.

Deanna says her father will be inducted into the International Civil Rights Hall of Fame in January. The Grammys will also have a special tribute to James Brown in February.

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South Carolina DAODAS Department of Alcohol and Other Drug Abuse Services

South Carolina Education Lottery



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6. Multiple vehicle fires in Aiken County
7. Man arrested, accused of stabbing ex-girlfriend in Martinez
8. Search for home invasion suspects in Aiken County
9. Three arrested after fight at Youth Detention Center
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NEWS

Attachment 3

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Attorney General Henry McMaster Defends Donations from Lawyers He Hired

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SC Attorney General Henry McMaster Defends Donations from... (Added: September 26, 2009) Ratings | 0 Video Views

South Carolina's attorney general Henry McMaster received campaign donations from private lawyers he hired to help with a case against drugmaker, Eli Lilly and Co., which is a potential violation of s (more) Post a Comment or Rate this Video

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By: Robert Kittle | rkittle@wspa.com
Published: September 26, 2009

Columbia, SC -- South Carolina's attorney general received campaign donations from private lawyers he hired to help with a case against drugmaker Eli Lilly & Co., which is a potential violation of state law.

Campaign disclosure forms show that two attorneys Henry McMaster hired in 2006 to help sue the company donated a total of \$7,000 to his campaign between June 2007 and March 2009. Attorney John B. White donated \$2,000 to McMaster's campaign in November 2007 and another \$1,500 in March 2009. Attorney John S. Simmons donated \$3,500 in September 2008.

State Ethics Commission assistant director and general counsel Cathy Hazelwood says the state ethics law prohibits contractors who get no-bid or non-competitive contracts from contributing to officials who hired them.

"It's the 'pay-to-play' statute, that you shouldn't be winning contracts and then turning around and making campaign contributions. And states across the nation have these statutes on their books," she says.

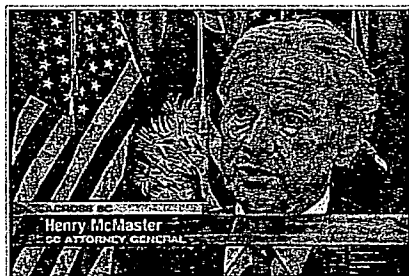
She says the law is aimed at the people who make the contributions, not the official who receives them, but says if McMaster simply returned the money it would erase any hint of impropriety.

But McMaster says neither he nor the two attorneys have done anything wrong so he sees no reason to return the money. He says the ethics law is aimed at commercial vendor-type contracts, to prevent a city, county or state official from awarding a contract to a company that then gives money to the official.

In this case, it's a litigation retention agreement. "There's no state money involved," McMaster says. "These lawyers will never get a penny of state money whether we win or lose the case. They will get paid, if they do, from the winnings that they create from the defendant. There's no obligation from the state to pay them a cent."

McMaster sued Eli Lilly to recover state funds used to treat illnesses allegedly caused by an anti-psychotic drug. He says the suit is too large and complex for him to have handled it with his staff attorneys, given the cases they're already handling.

One of the lawyers for Eli Lilly also contributed to McMaster's campaign. During the trial, the company made a motion to have the two defense attorneys that McMaster hired removed from the case because of their contributions.



South Carolina's attorney general Henry McMaster received campaign donations from private lawyers he hired to help with a case against drugmaker, Eli Lilly and Co., which is a potential violation of state law. WJBF News Channel 6's SC Capitol reporter, Robert Kittle, has more.

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articles

James Brown's \$100 million music empire is subject of Newberry FOIA lawsuit

by Sue Summer
For The Observer

5 days ago | 867 views | 0 comments | 6 shares

A complaint filed in Newberry County on Wednesday asks South Carolina Attorney General Alan Wilson to release documents related to the value of James Brown's international music empire, widely reported to be worth about \$100 million.

In the complaint, Newberry resident and plaintiff Adele Pope, one of Brown's former fiduciaries and a local attorney, asserts the documents she has requested under the Freedom of Information Act (FOIA) support the \$85 million value she and Aiken attorney Robert Buchanan assigned to Brown's assets — \$100 million less a debt to TIAA.

According to the complaint, Brown's current trustee, Russell Bauknight, recently filed sworn documents asserting Brown's music empire was worth only \$4.7 million when "The Godfather of Soul" died on Christmas Day 2006.

The complaint also says attorney general Wilson, through an assistant, has supported Bauknight's \$4.7 million valuation.

Since Brown died, estimates of the value of his assets have ranged from \$200 million in a 2007 securities prospectus to Bauknight's mere \$4.7 million.

According to the complaint, Pope's repeated requests for documents have been denied for months and on July 15, Bauknight, through his attorney, threatened Pope with legal action and sanctions if she continues to make FOIA requests.

In late 2007, an Aiken County court appointed Pope and Buchanan to manage Brown's estate and the trust he created in 2000. In 2009, Pope and Buchanan were replaced by Bauknight in a settlement forged by former South Carolina Attorney General Henry McMaster, now on appeal.

Bauknight now manages Brown's estate and trust, as well as the new trust created by McMaster — the James Brown Legacy Trust.

The requested documents include a copy of the Legacy Trust as well as any communications during the last year between the South Carolina Attorney General's Office and Bauknight related to the value of Brown's assets.

In the complaint filed Wednesday, Pope's attorney, Adam Silvernail of Columbia, argues that Legacy Trust documents should be released and the Legacy Trust should be declared a public body under FOIA because the Legacy Trust is under the direct control of the attorney general and its funds are to be overseen by the AG's office. The AG also appoints its trustee who serves at the AG's pleasure.

In 2010, McMaster and Bauknight filed suit against Pope and Buchanan alleging they had overvalued Brown's assets by reporting them at \$85 million.

In an affidavit attached to the filing, Pope asserts one motive for McMaster's 2010 suit was she has not signed a document agreeing not to criticize McMaster or the changes he made to Brown's estate plan. Pope asserts that warning clients who have private foundations about McMaster's actions would be critical to her law practice.

The complaint argues Pope has a right to view the documents which "created the vehicle

Wednesday August 10, 2011

Weather

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Newberry, South Carolina
 Scattered clouds. Hot.
 88 Degrees F
 Humidity: 45% - Wind: North, 0.00 mph
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South Carolina Lottery Jackpots		
Game	Jackpot	Draw Date
Powerball	\$220.00 Million	WED 08/10
MEGA Millions	\$16.00 Million	FRI 08/12

Attachment 6

J. David Black
Member
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
PO Drawer 2426 (29202)
T: 803.540.2072, F: 8037271409
DBlack@nexsenpruet.com

From: Sonny Jones [mailto:AGSJONES@scag.gov]
Sent: Tuesday, July 10, 2012 4:21 PM
To: dearlyj@sccourts.org; dearlyc@sccourts.org
Cc: rlbuchananjr@atlanticbnn.net; dwilliams@jeterandwilliams.com; louis@levensonlaw.com; Black, David; Kingsmore, Fred L.; adele@popelawfirm.com; Chris B. Paton; Robert Rosen; Mary Frances Jowers; AJH@swblaw.com; MVG@swblaw.com; d_michel@yahoo.com
Subject: Re: In re Estate of James Brown

Dear Judge Early,

The Attorney General's Office also supports the settling parties' request that the motions scheduled for July 12th be continued pending court-mandated mediation with Ms. Pope in the 4900 action.

C. Havird Jones, Jr.
Assistant Deputy Attorney General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, SC 29211
Phone: 803.734.3654
Fax: 803.734.3677
agsjones@scag.gov

>>> Robert Rosen <rnrosen@rosen-lawfirm.com> 7/10/2012 4:12 PM >>>

Dear Judge Early -

Please allow us to provide an update on some important recent developments that affect the hearing currently scheduled for this Thursday, July 12, 2012, in Bamberg. For the reasons discussed below, please also allow us to respectfully request a continuance to the hearing.

On Thursday, July 5, 2012, Judge Manning held a status conference in the 4900 case.. Counsel for the settling parties and Mr. Buchanan's counsel reported that they had reached a global settlement agreement. The settling parties' counsel then requested that Judge Manning issue an order requiring Ms. Pope to mediate with the settling parties. Consistent with her previous refusal to engage in voluntary mediation, Ms. Pope's counsel objected, claiming the need for additional discovery. Nevertheless, Judge Manning informed counsel that he would sign an order requiring Ms. Pope to mediate, and a proposed order consistent with his oral order was sent to Judge Manning today.

Moreover, with our concurrence, we understand that Mr. Buchanan will ask that you rescind your order of May 24, 2012 which, according to the recent global settlement agreement, is no longer necessary to effectuate disbursement to Mr. Buchanan.

Based on these events, and for other reasons, we ask that, in the interest of judicial economy and to

about the marital status issue as she now indicates, to the extent that it has any relevance to the overall validity of the settlement, why didn't she move to lift the order while she was fighting the settlement? She failed to attempt to get such vital, according to her, information to this Court and to the Supreme Court at the appropriate time, yet now she wants to do so because of an opinion expressed during oral argument that is completely consistent with the position that at least one of the parties took during the estate case and which was agreed to by all the settling parties?

5. To disseminate the diary to the media would cause irreparable harm to Mrs. Brown, just as the dissemination of anyone's private documents, without permission and without proper judicial process, would cause irreparable harm to anyone: The publication of the diary cannot be rescinded.

Thus, the motions to strike Pope's affidavits currently scheduled for Thursday deal mainly with the diary issue or other matters not currently and properly before this court. To hear them now, just because Ms. Pope, with dubious standing, insists is going to create a waste of the court's time. By reviewing Ms. Pope's affidavits, especially her supplemental affidavit dated July 9, 2012 (which, according to her title, confirms the veracity of her previous affidavits), it is clear that to properly address her position about the affidavits in a way that she requests, much argument and much testimony will be necessary — based on the history of this case, possibly days.

The May 24, 2012 Order:

As noted above, due to the global settlement agreement with Mr. Buchanan, the motions related to your order of May 24, 2012 are no longer necessary.

Thus, in the interest of judicial economy and to save expenses for the estate, we respectfully request that you continue the hearing previously scheduled for this Thursday so that the settling parties may better focus their efforts on the spirit of compromise and mediation.

Respectfully,

Robert Rosen
Alan Medlin

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Orders made months ago.

8. It is now clear the very persons seeking delay in voiding the Gag Orders -- Mr. Levenson, the Attorney General, Mr. Rosen, Mr. Medlin and others -- have all violated the Diary Gag Orders since 2008. None have turned in their copies. Bob and I are the only one who followed the correct procedure, and I the only one asking to confirm that these void orders are void or expired.

9. It will not taken any time to issue an Order voiding the Gag Order, simply disregarding the allegations that I am a liar. That could be done Thursday at the hearing -- or before.

10. Failure to issue the Order ruling on my request to declare the Gag Orders void or expired severely violates my First Amendment Right and Due Process.

11. If you decline to rule with me on voiding the Gag Orders, please rule against me, so I can make a decision about whether to ask an appellate court about whether these improper threats and the Gag Orders must stay in place forever -- or are void or expired as I have asked the Court to decide.

I believe that The James Brown "I Feel Good" Trust is negatively impacted when six law firms spend the afternoon -- for the second time -- doing whatever they can to delay this Court's ruling that void orders are void.

Please consider my rights, and not majority rule, on this important constitutional issue and conduct the hearing or issue your order on voiding these 4-year old Gag Orders which they say apply to me -- and apparently nobody else -- preventing my telling the truth about what I know.

I respectfully request that I be able to put this plea on the record on Thursday.

Thank you for your consideration.

Adele Pope

July 10, 2012

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

From: Black, David [DBlack@nexsenpruet.com]

Sent: 7/10/2012 4:23:42 PM

To: Sonny Jones; dearlyj@sccourts.org; dearlyc@sccourts.org

Cc: rlbuchananjr@atlanticbn.net, dwilliams@jeterandwilliams.com, louis@levensonlaw.com, Kingsmore, Fred L., adele@popelawfirm.com, Chris B. Paton, Robert Rosen, Mary Frances

Jowers, AJH@swblaw.com, MVG@swblaw.com, d_michel@yahoo.com, 'rbauknight@bpscpas.com'

Subject: RE: In re Estate of James Brown

Dear Judge Early,

The James Brown Trust and Estate joins the settling parties request that the July 12 hearing be continued.

The Trust and Estate will enter the court mandated mediation process in the spirit of compromise and with the hope of resolving the litigation with Ms. Pope. Moving forward with what will likely be an adversarial motions hearing on July 12th will be counterproductive to the mediation process and any settlement efforts.

Thank you for your consideration.

David Black

Counsel to Mr. Bauknight as PR of the James Brown Estate and Trustee of the James Brown Trust

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 02 2012

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SC Court of Appeals

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 1st day of October, I have served **REPLY TO RETURN OF RESPONDENTS AND OTHERS TO MOTION TO STRIKE MOTION TO DISMISS** on Respondents and others as shown below by depositing a copy of same in the United States Mail, postage prepaid, addressed to their attorneys of record as follows, and on others listed by the same manner:

ATTORNEYS OF RECORD FOR RESPONDENTS:

Alan Wilson, Esquire
Attorney General of the State of South Carolina
Office of the Attorney General
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549

Robert N. Rosen, Esquire
Christopher Paton, Esquire

David I. Michel, Esquire
T. Heyward Carter, Jr., Esquire
Andrew W. Chandler, Esquire
S. Alan Medlin, Esquire
18 Broad Street, Suite 201
Charleston, South Carolina 29401

William W. Wilkins, Esquire
J. David Black, Esquire
Fred L. Kingsmore, Jr.
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201

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

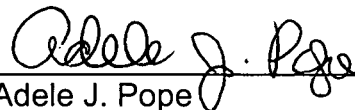
OTHERS:

Louis Levenson, Esquire
Levenson & Associates
125 Broad Street
Atlanta, Georgia 30303

Matt Bodman
Matt Bodman, P.A.
1500 Calhoun Street
Columbia, South Carolina 29201:

A Peter Shahid, Jr.
Shahid Law Office LLC
89 Broad Street
Charleston, SC 29401

Daryl Williams, Esquire
Jeter & Williams, P.A.
1204 Main Street, Suite 200
Post Office Box 7425
Columbia, South Carolina 29202



Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com

October 1, 2012

Pro Se