

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

---

Appellate Case No. 2015-002417

---

RECEIVED

MAR 20 2017

SC Court of Appeals

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

Tommie Rae Brown, Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Larry Brown, Terry Brown, and Daryl Brown, Respondents below,

Of whom David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

---

**RETURN TO RESPONDENT'S MOTION TO STAY APPEAL PENDING  
CONSUMMATION OF SETTLEMENT**

---

Appellant Terry Brown hereby responds to Respondent Tommie Rae Brown's Motion to Stay Appeal Pending Consummation of Settlement dated March 8, 2017, by and through his undersigned counsel, in accordance with SCACR 240(e). Respondent's Motion to Stay should be denied and this appeal continue with this court setting a date thirty (30) days from the denial of such motion for the final Record on Appeal to be filed

thereby setting the date for final briefs to be filed.

**I. THE SETTLEMENT BETWEEN RESPONDENT AND APPELLANT LSA WILL HAVE NO IMPACT ON WHETHER RESPONDENT IS THE WIFE OF JAMES J. BROWN.**

Respondent's potential settlement will have no impact on the pending appeals between Respondent and the remaining Appellants on the issue in this appeal which is whether or not Respondent is the wife of James J. Brown. The remaining Appellants were all parties to that action and had summary judgment granted against them by the lower court in its January 13, 2015 order. Respondent has admitted, in the form of a verified motion, that the settlement with Appellant LSA will have no impact on the issues to be determined in this appeal before this Court, which is the issue of whether she is the surviving spouse of James J. Brown. See Respondent's Motion to Stay, p. 2-3; Motion to Dismiss, attached as Exhibit A(excluding exhibits), p. 3. Further, Respondent has now filed her initial Brief as of March 13, 2017 and the same has been accepted by this Court. Therefore, all parties have filed their completed briefs in this matter.

The settlement between Respondent and Appellant LSA will have no impact on the arguments made before this Court, nor will it necessitate any party amending their briefs which are now before this Court. The remaining Appellants' adopted all arguments contained in the Appellant LSA's briefs in accordance with Rule SCACR 208(6). See Initial Brief of Appellant Terry Brown, p. 8; Reply Brief of Appellant Terry Brown, p. 1. As a result, the Order of this Court dated March 16, 2017 dismissing Appellant LSA will have no impact because such arguments were adopted by the other Appellants and responded to by Respondent in her brief which is now filed before this Court. As a result,

all parties remaining in this appeal should be able to proceed to preparing the Record on Appeal. Additionally, Appellant LSA was not the first Appellant to file a Notice of Appeal in this matter. Therefore, Appellant LSA is not responsible for preparing the Record on Appeal in accordance with SCACR 206. Appellants' Deanna Brown-Thomas, Yamma Brown, Venisha Brown Notice of Appeal was the first filed. It is these Appellants that bear the responsibility for preparing the Record on Appeal. Based on the foregoing, Respondent's Motion to Stay should be denied and the remaining Appellants proceed to determine the issue of whether she is the spouse of James J. Brown.

**II. RESPONDENT ADMITS THAT THE MAIN ISSUE BEFORE THIS COURT IS HER DETERMINATION AS THE SPOUSE OF JAMES J. BROWN AND ALL THE EVIDENCE THAT SHE WILL HAVE AVAILABLE TO PRESENT IS BEFORE THIS COURT.**

The matter before this court is the final adjudication of Respondent's status as the wife and therefore an heir of the deceased James J. Brown. See Initial Brief of Respondent, p. 1; Initial Brief of Appellant Terry Brown, p. 1; Final Order dated January 13, 2015, p. 46. Further, Respondent has already admitted that she has no other evidence or documents, other than those currently before this Court, to present to this Court or the lower court relative to the issue of her being the surviving spouse. She specifically admitted this lack of evidence in paragraphs 9 and 10 of the Joint Stipulation of Facts attached hereto as Exhibit B. Therefore, if this Court were to reverse the lower court's grant of summary judgment wherein she was determined to be the surviving spouse, there would be no choice but to declare that Respondent is not the surviving spouse of James J. Brown as she has admitted to having no other evidence. The Motion to Stay by

Respondent is yet another delay tactic in a case that has been delayed long enough.

Respondent's Motion to Stay should be denied and the remaining Appellants and

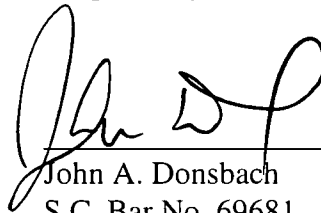
Respondent proceed with the appeal.

#### CONCLUSION

For the foregoing reasons, Appellant Terry Brown respectfully requests that this Court deny Respondent's Motion to Stay and set a date for the Final Record on Appeal to be filed and thereafter final briefs in this matter.

March 20, 2017

Respectfully submitted,



---

John A. Donsbach  
S.C. Bar No. 69681  
Donsbach Law Group, LLC  
P.O. Box 212139  
Martinez, Georgia 30917  
Telephone: (706) 650-8750  
Facsimile: (706) 651-1399  
Email: [jdonsbach@donsbachking.com](mailto:jdonsbach@donsbachking.com)  
Attorney for Appellant Terry Brown

Other counsel and parties of record:

Robert N. Rosen, Esq.  
Corey T. L. Smith, Esq.  
Rosen Law Firm, LLC  
18 Broad Street, Suite 201  
Charleston, SC 29401  
Attorney for Tommie Rae Brown

John F. Beach, Esq.  
Lyndey Ritz Zwingelberg, Esq.  
Adams and Reese LLP  
1501 Main Street, Fifth Floor  
Columbia, SC 29201  
Attorney for David C. Sojourner, Jr.,  
Limited Special Administrator and  
Limited Special Trustee

Louis Levenson, Esq.  
Levenson & Associates  
125 Broad Street, SW  
Atlanta, GA 30303  
Attorney for Deanna Brown Thomas,  
Yamma Brown, Venisha Brown  
and Larry Brown

Robert C. Byrd, Esq.  
Parker, Poe, Adams & Bernstein LLP  
200 Meeting Street, Suite 301  
Charleston, SC 29401  
Attorney for Deanna Brown-Thomas,  
Dr. Yamma Brown, and Venisha Brown

Arnold S. Goodstein, Esq.  
P.O. Box 2350208 Sumter Avenue  
Summerville, SC 29484-2350  
Attorney for Tommie Rae Brown

Matthew D. Bodman, Esq.  
Matt Bodman, P.A.  
1500 Calhoun Street  
Columbia, SC 29201  
Attorney for Larry Brown, Daryl Brown  
and Michael Deon Brown

David B. Bell, Esq.  
Law Offices of David B. Bell  
619 Greene Street  
Augusta, GA 30903-1011  
Attorney for Daryl Brown, Michael Deon Brown  
and Lisa Sims

William J. Barr, Esq.  
108 N. Academy St.  
Kingstree, SC 29556  
Attorney for Tonya Brown a/k/a  
Sarah LaTonya Brown-Fegan, Jeanette Mitchell  
and Ciara Petitt and Cheraquarius Williams for  
LaRhonda Petitt

Vera Gilford, Esq.  
P.O. Box 12553  
Miami, FL 33101  
Attorney for Tonya Brown a/k/a  
Sarah LaTonya Brown-Fegan, Jeanette Mitchell  
and Ciara Petitt and Cheraquarius Williams for  
LaRhonda Petitt

J. David Black, Esq.  
Nexsen Pruet, LLC  
P.O. Drawer 2426  
Columbia, SC 29201  
Attorney for Russell Bauknight

C. Havird Jones, Jr., Esq.  
Office of the SC Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549

James Mixon Griffin, Esq.  
Lewis, Babcock & Griffin, LLP  
P.O. Box 11208  
Columbia, SC 29211

S. Alan Medlin, Esq.  
1713 Phelps Street  
Columbia, SC 29205  
Attorney for Tommie Rae Brown

T. Heyward Carter, Jr., Esq.  
Evans, Carter, Kunes & Bennett, PA  
115 Church Street  
P.O. Box 369  
Charleston, SC 29401  
Attorney for Tommie Rae Brown

David L. Michel, Esq.  
15 State Street  
Charleston, SC 29401  
Attorney for Tommie Rae Brown

Itriss J. Jenkins, Esq.  
Itriss J. Jenkins, LLC  
215 E. Bay St., Suite 203  
Charleston, SC 29401  
Attorney for Respondents Tonya Brown a/k/a  
Sarah LaTonya Brown-Fegan, Jeanette Mitchell  
and Ciara Petitt and Cheraquarius Williams for  
LaRhonda Petitt

A. Peter Shahid, Jr., Esq.  
Shahid Law Office, LLC  
89 Broad Street  
Charleston, SC 29401  
Attorney for Guardian ad Litem  
Stephen M. Slotchiver

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

RECEIVED

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

MAR 20 2017

SC Court of Appeals

Doyet A. Early, III, Circuit Court Judge

---

Appellate Case No. 2015-002417

---

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

Tommie Rae Brown, Respondent,

v.

David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Larry Brown, Terry Brown, and Daryl Brown, Respondents below,

Of whom David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee, Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

---

**PROOF OF SERVICE**

---

The undersigned hereby certifies that on March 20, 2017, he has caused a copy of the Return to Respondent's Motion to Stay Appeal Pending Consummation of Settlement addressed as follows:

Robert N. Rosen, Esq.  
Corey T. L. Smith, Esq.  
Erin C. Casey  
Rosen Law Firm, LLC

18 Broad Street, Suite 201  
Charleston, SC 29401  
Attorney for Tommie Rae Brown

John F. Beach, Esq.  
Lyndey Ritz Zwingelberg, Esq.  
Adams and Reese LLP  
1501 Main Street, Fifth Floor  
Columbia, SC 29201  
Attorney for David C. Sojourner, Jr.,  
Limited Special Administrator and  
Limited Special Trustee

Louis Levenson, Esq.  
Levenson & Associates  
125 Broad Street, SW  
Atlanta, GA 30303  
Attorney for Larry Brown

Robert C. Byrd, Esq.  
Parker, Poe, Adams & Bernstein LLP  
200 Meeting Street, Suite 301  
Charleston, SC 29401  
Attorney for Deanna Brown-Thomas,  
Yamma Brown, and Venisha Brown

Arnold S. Goodstein, Esq.  
208 Sumter Avenue  
Summerville, SC 29484-2350  
Attorney for Tommie Rae Brown

Matthew D. Bodman, Esq.  
Matt Bodman, P.A.  
1500 Calhoun Street  
Columbia, SC 29201  
Attorney for Daryl Brown,  
Michael Deon Brown and Lisa Sims

David B. Bell, Esq.  
Law Offices of David B. Bell  
619 Greene Street  
Augusta, GA 30903-1011  
Attorney for Daryl Brown, Michael Deon Brown  
and Lisa Sims

William J. Barr, Esq.  
108 N. Academy St.  
Kingstree, SC 29556  
Attorney for Tonya Brown a/k/a  
Sarah LaTonya Brown-Fegan, Jeanette Mitchell  
and Ciara Pettitt and Cheraquarius Williams for  
LaRhonda Pettitt

Vera Gilford, Esq.  
P.O. Box 12553  
Miami, FL 33101  
Attorney for Tonya Brown a/k/a  
Sarah LaTonya Brown-Fegan, Jeanette Mitchell  
and Ciara Pettitt and Cheraquarius Williams for  
LaRhonda Pettitt

J. David Black, Esq.  
Nexsen Pruet, LLC  
P.O. Drawer 2426  
Columbia, SC 29201  
Attorney for Russell Bauknight

C. Havird Jones, Jr., Esq.  
Office of the SC Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549

James Mixon Griffin, Esq.  
Lewis, Babcock & Griffin, LLP  
P.O. Box 11208  
Columbia, SC 29211

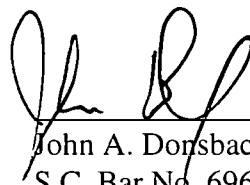
S. Alan Medlin, Esq.  
1713 Phelps Street  
Columbia, SC 29205  
Attorney for Tommie Rae Brown

T. Heyward Carter, Jr., Esq.  
Evans, Carter, Kunes & Bennett, PA  
115 Church Street  
P.O. Box 369  
Charleston, SC 29401  
Attorney for Tommie Rae Brown

David L. Michel, Esq.  
15 State Street  
Charleston, SC 29401  
Attorney for Tommie Rae Brown

Itriss J. Jenkins, Esq.  
Itriss J. Jenkins, LLC  
215 E. Bay St., Suite 203  
Charleston, SC 29401  
Attorney for Respondents Tonya Brown a/k/a  
Sarah LaTonya Brown-Fegan, Jeanette Mitchell  
and Ciara Pettitt and Cheraquarius Williams for  
LaRhonda Pettitt

A. Peter Shahid, Jr., Esq.  
Shahid Law Office, LLC  
89 Broad Street  
Charleston, SC 29401  
Attorney for Guardian ad Litem  
Stephen M. Slotchiver



---

John A. Donsbach  
S.C. Bar No. 69681  
Donsbach Law Group, LLC  
P.O. Box 212139  
Martinez, Georgia 30917  
Telephone: (706) 650-8750  
Facsimile: (706) 651-1399  
Email: [jdonsbach@donsbachking.com](mailto:jdonsbach@donsbachking.com)  
Attorney for Appellant Terry Brown



§ 62-2-301 and, in the alternative, a surviving spouse's elective share of the Estate under S.C. Code Ann. § 62-2-201, et seq. The probate court transferred all of Petitioner's claims, including the undue influence action and the omitted spouse/elective share action, to this Court.

Petitioner filed a Motion for Summary Judgment on April 24, 2014, contending she was entitled to a judicial determination she is Decedent's surviving spouse based upon an order entered by the Charleston County Family Court on April 15, 2004, which annulled Petitioner's February 1997 marriage to her first husband, Javed Ahmed. On May 29, 2014, the LSA filed a cross motion summary judgment, seeking an order finding Petitioner is not Decedent's surviving spouse because her marriage to Decedent was bigamous. Other parties to the action<sup>1</sup> joined in the LSA's cross motion and/or filed supporting memoranda.

This Court heard oral argument on the parties' motions on November 24, 2014. On January 13, 2015, the Court issued an order granting Petitioner's motion, finding Petitioner to be Decedent's surviving spouse as a matter of law. The Court denied the cross motion for summary judgment. Shortly thereafter, the LSA and nine other parties filed motions to reconsider. On June 30, 2015, this Court heard oral argument on the parties' motions to reconsider.

After receiving supplemental memoranda from various parties, the Court denied the motions to reconsider by order dated October 26, 2015. The LSA and other parties timely filed Notices of Appeal between November 20, 2015 and November 24, 2015. The appeal remains pending in the South Carolina Court of Appeals. *See* Appellate Case No. 2015-002417.

The LSA, Russell L. Bauknight, as Personal Representative of the Estate (the "PR"), the Estate, and Tommie Rae Brown have entered into a settlement of her claims against the Estate, as set forth in the executed Settlement Agreement attached as **Exhibit A**. As part of this

---

<sup>1</sup> Including Terry Brown, Larry Brown, Venisha Brown, Deanna Brown-Thomas, Jason Brown Lewis, Yamma Brown (individually and on behalf of her minor children Sydney Lumar and Carrington Lumar), Jeanette Mitchell, and Daryl Brown.

settlement, the parties have agreed to take certain procedural steps, one of which is filing the present Joint Motion to Dismiss.

### LEGAL STANDARD

Pursuant to Rule 41, SCRCP, a party may unilaterally dismiss her claims or counterclaims only before service by the adverse party of an answer or motion for summary judgment, or by filing a stipulation of dismissal signed by all parties who have appeared in the action. *See* Rule 41(a)(1), SCRCP. As this court is aware, all defending parties in this case have appeared and answered, and several have filed motions for summary judgment. Accordingly, the settling parties must resort to Rule 41(a)(2), SCRCP, seeking dismissal through an order dismissing Petitioner's undue influence and fraud claims "upon such terms and conditions as the court deems proper."

### ARGUMENT

Petitioner, the LSA, and the PR entered into a binding Settlement Agreement on March 7, 2017 (**Exhibit A**), through which the Petitioner will fully and finally terminate Petitioner's challenges to the validity of the 2000 Will and Trust. Through the Settlement Agreement, Petitioner agreed to forever relinquish her alleged right to challenge the validity of the 2000 Will and 2000 Trust. All other challenges to the 2000 Will and Trust have either been withdrawn or dismissed by Court-order.

The relief requested in this Motion will not affect Appellate Case No. 2015-002417, through which certain parties have appealed this Court's orders filed January 13, 2015 and October 26, 2015 finding Petitioner to be Decedent's surviving spouse, or Appellate Case No. 2016-001373, through which certain parties have appealed this Court's orders filed March 7, 2016 and May 31, 2016 authorizing the Estate's settlement with certain Brown Children.

The Court's order appointing Mr. Bauknight as Personal Representative of the Estate and Trustee of the Trust, and Mr. Sojourner as LSA of the Estate and as LST of the Trust Agreement, granted unto the LSA and the PR broad authority that encompassed authority to settle one or more of the Will and Trust Challenges. *See* Interim Order, filed October 1, 2013, pp. 19-20. This authority is consistent with South Carolina law. *See* section 62-3-715(8) of the South Carolina Probate Code and Section 62-7-816 (14) of the South Carolina Trust Code. Decedent's Irrevocable Trust Agreement contains provisions that are consistent with this statutory authority. *See* Irrevocable Trust Agreement, August 1, 2000, at Article X(19).

The Settlement Agreement fully resolves pending claims that, if successful, would significantly alter or invalidate Decedent's estate plan. Mr. Bauknight and Mr. Sojourner are informed and believe the Settlement Agreement is in the best interest of the Estate and Trust as it secures a prompt resolution of the Petitioner's challenges to the validity of the 2000 Will and Trust, saves potential time, expenses, and resources of the Estate and Trust, and reduces the expenditure of judicial time and resources.

As this Court is aware, the Estate and Trust have already settled with some of Decedent's children which similarly contested the 2000 Will and Trust. Those settlement agreements were presented to the Court and the settlements were authorized on March 7, 2016.<sup>2</sup> In the order, the Court found:

...that Messrs. Bauknight and/or Sojourner are empowered to bind the estate and Trust to the Subject Settlement Agreements, as well as resolve, in whole or in part, other Will and Trust Challenges, so long as the fiduciary determines such agreements to be appropriate and in the best interests of the Estate and Trust.<sup>3</sup>

---

<sup>2</sup> A Motion to Reconsider, filed by Terry Brown, was denied by the Court on May 31, 2016. Terry Brown has appealed the Court's March 7, 2016 and May 31, 2016 Orders, in Appellate Case No. 2016-001373

<sup>3</sup> *See*, March 7, 2016 Order Authorizing Settlement of the Brown Children's undue Influence Cases and Dismissing Cases with Prejudice, pp. 2-3.

In a similar vein, the subject settlement with Petitioner fully and finally terminates Petitioner's challenges to the validity of the 2000 Will and Trust, is appropriate, and in the best interests of the Estate and Trust.

### CONCLUSION

The LSA and Petitioner respectfully request the Court dismiss her Petition to Set Aside Informal Probate and to Set Aside the Irrevocable Trust Agreement, u/a/d August 1, 2000, Case No. 2008-CP-02-1647, filed December 19, 2007, ending those claims, with prejudice.

Respectfully submitted,



Robert N. Rosen, Bar No. 4918  
Erin C. Casey, Bar No. 101935  
Rosen Law Firm, LLC  
18 Broad Street, Suite 201  
Charleston SC 29401  
Telephone: (843) 377-1700

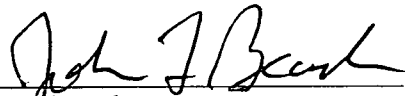
S. Alan Medlin  
1713 Phelps Street  
Columbia SC 29205  
Telephone: (803) 777-7465

T. Heyward Carter, Jr.  
Andrew W. Chandler  
M. Jean Lee  
Evans, Carter, Kunes & Bennett  
115 Church Street  
Charleston, SC 29401

David L. Michel  
Michel Law Firm, LLC  
192 East Bay Street, Suite 202  
Charleston, SC 29401

Arnold S. Goodstein  
Goodstein Law Firm, LLC  
P.O. Box 2350  
Summerville, SC 29484-2350

*Attorneys for Tommie Rae Brown*



John F. Beach  
Lyndey Ritz Zwing  
Adams and Reese LLP  
1501 Main Street, Fifth Floor  
Columbia, South Carolina 29201  
Telephone: (803) 343-1269  
Facsimile: (803) 343-1224

*Attorneys for David C. Sojourner, Jr. as  
Limited Special Administrator for the  
Estate of James Brown and as Limited  
Special Trustee of the James Brown 2000  
Irrevocable Trust*

March 8, 2017

STATE OF SOUTH CAROLINA )

COUNTY OF AIKEN )

Tommie Rae Brown, )

Petitioner, )

v. )

David C. Sojourner, Jr., in his capacity )

as Limited Special Administrator and )

Limited Special Trustee, Deanna Brown )

Thomas, Yamma Brown, Venisha )

Brown, Larry Brown, Terry Brown and )

Daryl Brown, )

Respondents, )

IN RE: )

**THE ESTATE OF JAMES BROWN** )

**A/K/A JAMES JOSEPH BROWN** )

\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE SECOND JUDICIAL CIRCUIT

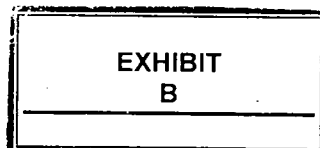
C/A Nos. 2013-CP-02-02849, 2013-CP-02-02850

**JOINT STIPULATION OF FACTS**

Petitioner Tommie Rae Brown ("Petitioner"), Respondent David C. Sojourner, Jr., in his capacity as Limited Special Administrator and Limited Special Trustee ("LSA"), and Respondents Deanna Brown Thomas, Yamma N. Brown, Venisha Brown, Larry Brown, Terry Brown, and Daryl Brown hereby jointly stipulate to the facts set forth herein.

The Parties entered into this Joint Stipulation while preserving their respective arguments that any or all of the matters contained herein are inadmissible, irrelevant, and/or immaterial to whether the Petitioner is Decedent's surviving spouse and/or any other issue in this or related litigation.

On November 27, 2001 Petitioner and James Joseph Brown ("Decedent") purportedly executed a purported Prenuptial Agreement. All Parties retain their right and ability to assert



*RNT*


Petitioner, through the Prenuptial Agreement, waived her right to claim as Decedent's surviving spouse under S.C. Code Ann. §§62-2-301 (omitted spouse) and 62-2-201 (elective share) or otherwise, and Petitioner retains her right to deny the enforcement, validity and authenticity of the same.

The Parties therefore stipulate as follows:

1. On February 12, 1997, Petitioner and Javed Ahmed obtained a marriage license in the State of Texas, a true copy of which is attached as **Exhibit 1**.

2. On February 17, 1997 Petitioner participated in a marriage ceremony with Javed Ahmed in Harris County Texas.

3. On June 11, 2001 Petitioner's son, James Joseph Brown, II, was born in Las Vegas, Nevada, and a true copy of his birth certificate is attached as **Exhibit 2**. The LSA filed a Motion to Acquire DNA Samples from James Brown, II on March 10, 2014 in the pretermitted child action, Case No. 2013-CP-02-02851. All parties agreed that the child should submit to a DNA test to help determine if he is in fact the child of Decedent. All parties approved a consent order to that effect, and said consent order was filed on May 14, 2014. On June 11, 2014, James Joseph Brown, II, in accordance with this order, submitted to a DNA test at the LabCorp office located at 7751 West Flamingo Road, Suite B 102, Las Vegas, Nevada 89147. The results of the DNA test show that "the probability of paternity is 99.99%." See LabCorp DNA Test Results, attached herein as **Exhibit 3**. The parties stipulate that **Exhibit 3** is a true and authentic copy of the test and is admitted into evidence without objection. Respondents reserve the right to move the court for another DNA test should additional evidence become available that challenges the validity of the LabCorp DNA Test Results.



4. On December 10, 2001, Petitioner and Decedent obtained a marriage license in the State of South Carolina, a true copy of which is attached as **Exhibit 4**.

5. On December 14, 2001 Decedent and Petitioner participated in a marriage ceremony in Beech Island, South Carolina.

6. From the February 17, 1997 marriage ceremony between Petitioner and Javed Ahmed through the December 14, 2001 marriage ceremony between Petitioner and Decedent, no order of any court or other occurrence of which Plaintiff is aware at this time ended or caused to end any marriage that certain parties assert existed between Petitioner and Javed Ahmed.

7. On December 15, 2003, Petitioner filed a family court action in Charleston County South Carolina seeking an annulment of her marriage to Javed Ahmed (*Tommie Rae Hynie, a/k/a Tommie Rae Brown v. Javed Ahmed*, 2003-DR-10-4609) (the "Ahmed Annulment Action", attached herein). The parties agree that the following documents were filed in that case and true and correct copies of each are attached hereto as the following Exhibits:

**Exhibit 5** - Tommie Rae Brown's Summons & Complaint for Annulment, filed December 15, 2003;

**Exhibit 6** - Ronald Pannel's Affidavit of Attempted Service filed February 4, 2004;

**Exhibit 7** - Affidavit of Tommie Rae Brown filed February 4, 2004;

**Exhibit 8** - Order of Publication filed February 4, 2004;

**Exhibit 9** - Affidavit of Marcia F. Jones filed April 15, 2004;

**Exhibit 10** - Affidavit of Publication filed April 15, 2004;

**Exhibit 11** - Order of Continuance filed March 24, 2004;

**Exhibit 12** - Final Order filed April 15, 2004.

8. A true copy of the transcript of a hearing held on April 15, 2004 in the Ahmed Annulment Action is attached as **Exhibit 13** ("Ahmed Annulment Action Transcript").



9. Except as may be contained in the Ahmed Annulment Action Transcript and the Family Court documents attached herein as **Exhibits 5-13**, Petitioner at this time can identify no documents or other tangible evidence evidencing Javed Ahmed was married to another person when Petitioner and Javed Ahmed participated in the February 17, 1997 marriage ceremony.

10. Except as may be contained in the Ahmed Annulment Action Transcript, Petitioner at this time can identify no person (except Javed Ahmed and the wives to whom he was allegedly married) who can testify that Javed Ahmed was married to another person when Petitioner and Javed Ahmed participated in the February 17, 1997 marriage ceremony.

11. On April 15, 2004 the Charleston County Family Court issued the Final Order in the Ahmed Annulment Action, a true copy of which is attached as **Exhibit 12**.

12. Decedent was not a named party in the Ahmed Annulment Action.

13. James Brown gave Tommie Rae Brown the funds to pay the legal fees for the Ahmed Annulment litigation.

14. James Brown was aware of the Ahmed Annulment litigation as his attorney received a copy of the Summons and Complaint in February 2004 and the Final Order of Annulment in April 2004, a true copy of both communications attached as **Exhibits 14**.

15. Decedent did not intervene as a party in the Ahmed Annulment Action.

16. Decedent was not Robert Rosen's client in the Ahmed Annulment Action.

17. The Charleston County Family Court found that Javed Ahmed was properly served by publication and notified of the hearing. Javed Ahmed failed to appear, answer the complaint or otherwise plead within the time required, participate in or otherwise defend himself in the Ahmed Annulment Action.



18. In the Ahmed Annulment Action, Petitioner's testimony was the only evidence before the court that Javed Ahmed was married at the time Petitioner and Javed Ahmed participated in the February 17, 1997 marriage ceremony.

19. On January 29, 2004, Decedent brought an annulment action against Petitioner in Aiken County and Petitioner counterclaimed for a divorce. The following documents were filed in that case with the Aiken County Family Court and true and correct copies of each are attached hereto as the following Exhibits:

- Decedent's Summons and Complaint for Annulment filed January 29, 2004, **Exhibit 15**;
- Decedent's Amended Complaint for Annulment filed May 6, 2004, **Exhibit 16**;
- Petitioner's Answer and Counterclaim filed June 14, 2004, **Exhibit 17**;
- Decedent's Reply to Counterclaim filed July 6, 2004, **Exhibit 18**; and
- Consent Order of Dismissal filed August 16, 2004, **Exhibit 19**.

20. Decedent died on December 25, 2006.

21. The parties could not reach an agreement as to other facts but agree this Court can take judicial notice, as it deems appropriate, of the files, pleadings, transcripts of hearings, briefs and oral arguments in this Court, the Court of Appeals and the Supreme Court along with the Record on Appeal from the Court of Appeals and Supreme Court, in all cases concerning or related to Petitioner's elective share and omitted spouse claims.

On behalf of our clients, we so stipulate.

**ROSEN LAW FIRM, LLC**



---

Robert N. Rosen  
18 Broad Street, Suite 201  
Charleston, South Carolina 29401  
Telephone: (843) 377-1700  
Facsimile: (843) 377-1709  
mrosen@rosen-lawfirm.com

*Attorneys for Petitioner Tommie Rae Brown*

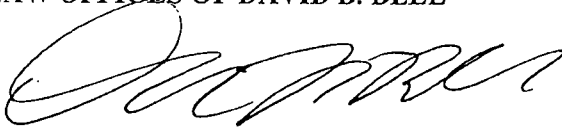
**ADAMS AND REESE LLP**



John F. Beach  
1501 Main Street, Fifth Floor  
Columbia, South Carolina 29201  
Telephone: (803) 343-1269  
Facsimile: (803) 799-8479  
john.beach@arlaw.com

*Attorneys for David C. Sojourner, Jr. as  
Limited Special Administrator for the  
Estate of James Brown and Limited Special Trustee  
of the James Brown August 1, 2000 Irrevocable Trust Agreement*

**LAW OFFICES OF DAVID B. BELL**

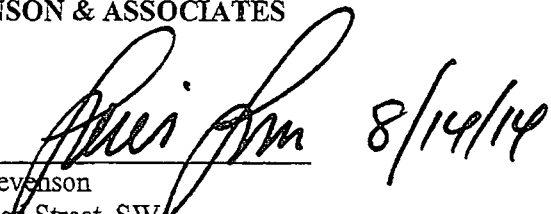


---

David B. Bell  
619 Greene Street  
Augusta, GA 30903-1011  
Telephone: (706) 724-1882  
Facsimile: (706) 722-2507  
davidbell@davidbelllawfirm.com

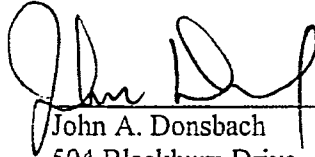
*Attorneys for Respondent Daryl Brown*

LEVENSON & ASSOCIATES

  
\_\_\_\_\_  
Louis Levenson  
125 Broad Street, SW  
Atlanta, Georgia 30303  
Telephone: (404) 659-5000  
Facsimile: (404) 659-1355  
louis@levensonlaw.com

*Attorneys for Respondents Deanna Brown Thomas,  
Yamma N. Brown, Venisha Brown, and Larry Brown*

**DONSBACH & KING, LLC**

A handwritten signature in black ink, appearing to read "John D.", is written over a horizontal line.

John A. Donsbach  
504 Blackburn Drive  
Augusta, Georgia 30907  
Telephone: (706) 650-8750  
Facsimile: (706) 651-1399  
Jdonsbach@donsbachking.com

*Attorneys for Terry Brown*

August 11, 2014.