

May 30, 2017

**Attorneys at Law**

Alabama  
Florida  
Georgia  
Louisiana  
Mississippi  
South Carolina  
Tennessee  
Texas  
Washington, DC

**John F. Beach**

Direct: 803.343.1269  
E-Fax: 803.343.1224  
john.beach@arlaw.com

VIA Hand Delivery:

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: *In re: The Estate of James Brown a/k/a James Joseph Brown*  
Appellate Case No.: 2015-002417  
A&R Case No.: 022853-000001

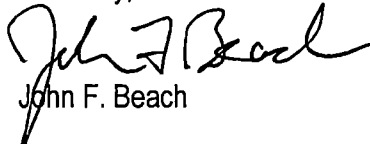
Dear Ms. Kitchings and the Honorable Judges of the South Carolina Court of Appeals:

On April 13, 2017, the Court issued an order clarifying the clerk's prior order of partial dismissal dated March 16, 2017 through which the Court stayed various deadlines in the above-referenced appeal. The Court requested a status update from Appellant Dave C. Sojourner, Jr., Limited Special Administrator of the Estate of James Brown and Limited Special Trustee of the James Brown Irrevocable Trust, u/a/d August 1, 2000. As requested, Mr. Sojourner updates the Court as follows:

On March 13, 2017, counsel for Mr. Sojourner and Respondent Tommie Rae Brown filed a Joint Motion to Dismiss Ms. Brown's petitions to set aside the Estate and Trust. A hearing was conducted before the Honorable Doyet A. Early III on April 26, 2017 in Aiken, South Carolina at which time no party of record objected to the parties' joint motion. The lower court issued an order of dismissal on May 11, 2017. A copy of the order is attached to this letter for the Court's convenience. The order was filed electronically through the Court's electronic filing system. Electronic notice of the filing was provided to some, but not all of the parties. Accordingly, on May 22, 2017, Mr. Sojourner served the order on all parties of record by US Mail as required by the Rules of Civil Procedure.

Mr. Sojourner respectfully requests that this Court extend its stay of all appellate deadlines in this case until such time as the lower court's May 11, 2017 order becomes a final order. Mr. Sojourner requests an additional thirty (30) days, until June 29, 2017, to file a supplemental status update with the Court, at which time it is our hope and expectation that Judge Early's order of dismissal will be final.

Sincerely,

  
John F. Beach

JFB/lbb  
Enclosure  
cc: All counsel of record

RECEIVED

MAY 26 2017

SC Court of Appeals

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

Civil Action No. 2008-CP-02-01647

**ORDER DISMISSING TOMMIE RAE  
BROWN'S PETITIONS TO SET ASIDE  
INFORMAL PROBATE AND TO SET ASIDE  
IRREVOCABLE TRUST**

RECEIVED  
 MAY 26 2017  
 SC Court of Appeals

This matter is before the Court pursuant to Rule 41(a)(2), SCRPC, on a Joint Motion to Dismiss Tommie Rae Brown's Petitions to Set Aside Informal Probate and to Set Aside Irrevocable Trust based on Undue Influence and Fraud (the "Joint Motion"). The Joint Motion was filed by Tommie Rae Brown (the "Petitioner") and David C. Sojourner, Jr. (the "LSA"), as Limited Special Administrator for the Estate of James Brown ("Estate") and Limited Special Trustee of the James Brown August 1, 2000 Irrevocable Trust Agreement ("Trust") on March 13, 2017. A notice of hearing was served on all parties on March 14, 2017 for a hearing to be held on March 21, 2017. However, the hearing was rescheduled for April 26, 2017. On April 17, 2017, the Court informed all counsel of record via email of the present hearing.

This Court specifically denotes that the Settlement Agreement attached as Exhibit A to the Joint Motion was not approved by this Court, as agreed by all parties present at the April 26, 2017 hearing, and was not being considered for approval. Further, this Order shall not prejudice

or affect the rights of any of the parties in other claims that remain viable under Case No. 2008-CP-02-01647. Having considered the Joint Motion along with all oral arguments made by the parties before the Court on April 26, 2017, the Court hereby orders that Petitioner's Petitions 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 20, 2007, along with any of Petitioner's related claims to set aside the Estate and Trust, are hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

\_\_\_\_\_  
Doyet A. Early III, Circuit Court Judge

\_\_\_\_\_, South Carolina

\_\_\_\_\_, 2017.



Aiken Common Pleas

**Case Caption:** Henry Dargan McMaster VS Albert H Dallas , defendant, et al  
**Case Number:** 2008CP0201647  
**Type:** Order/Dismissal

So Ordered

s/D.A. Early III 2136