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. 2019-000362

Adele J. Pope, Appellant,

v.

Estate of James Brown and The James Brown 2000 Irrevocable Trust, Respondents.

RECORD ON APPEAL
VOLUME II of VII
(Pages 489 – 976)

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SC Court of Appeals

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Work on matters related to hearing, and preparation for meeting in Aiken, issues related to stay, discovery. Correspondence and rec/ rev. with LL, Augusta Museum of History, SC AG, numerous others. Work on various matter related to interrelated discovery, appropriate action in light of Ct. Appeals, Federal Court directives. Numerous calls w/ counsel, RLB, Jr.
8.50 hrs.

June 17, 2008 (Tuesday)

Travel to Aiken, Beech Island, Augusta. Meeting w/ RLB, Jr. and counsel re: various Estate matters, including issues related to Order of Jg. Cureton as it relates to the payment of Court-ordered administrative expenses and other administrative issues; travel to Beech Island to meet w/ Mr. Washington. Discuss security, upkeep issues; view perimeter of property; travel to Augusta, Mu. Of Hist. Return to Aiken; review numerous documents, issues. Confs. Re: confidentiality and protective Order.
11.00 hrs.

June 18, 2008 (Wednesday)

Receiving and reviewing documents for Forlando (William) Brown lawsuit. Confs. w/ counsel and other re: matters for hearing on June 30, 2008. Begin organization and work on royalties, image, persona issues for Estate Tax Return and other things. Corresp. And rec/rev. corresp. Work on Calendar awards ceremony application.
8.10 hrs.

June 19, 2008 (Thursday)

Corresp. And meeting w/ Sr. Assistant AG and other re: encouraging AG not to cause Estate/Trust more damage by filing precipitous motion in any Court. Review of needed focus: Defend Estate Plan; Defend Against Elective Share; Avoid a Fire Sale; be certain that Cannon, Dallas and Bradley do not return. Work on discovery issues, all cases, in relation to potential stay, supersedeas.
8.50 hrs.

June 20, 2008 (Friday)

Confs. and corresp. W/ RLB, Jr and other re: numerous matters; reviewing documents and memoranda; research. Begin analysis for accounting; further research and numerous conferences w/ RLB, Jr. and others on various matters related to hearing, administration. Work on Federal Case discovery w/ RLB, Jr.
9.20 hrs.

June 22, 2008 (Sunday)

Review documents, Memorandum, New York litigation, in prep. For response to motion for reconsideration of Pullman; review documents related to royalties, image, persona.
6.25 hrs.

June 23, 2008 (Monday)

Corresp. w/ counsel and RLB, Jr. re: guidance from court about documents we want to produce in the Forlando (William) Brown suit, but which production may violate or appear to violate Order of Jg. Cureton, SC Court of appeals. Need Court Order for protection of Estate/Trust based on F. Brown's counsel in circuit court asserting that Jg. Cureton's Order doesn't allow Trust action, and bec. of recent assertion (June 11,12) by Cannon, Dallas and Bradley, jointly, of atty/client privilege on behalf of Trust. Work on accounting and review of contracts, etc. for both accounting and for initial work for Estate Tax Return to be filed in September. Careful notation of names of receipts, etc. Begin procedure for proposed initial allocation of expenses between Estate and Trust, subject to ultimate verification.
Transmit proposed accounting for review by Co-PR. Further review of proposed Memorandum in New York (Pullman) Litigation. Additional preparation for weekly meeting of Trustees.
10.20 hrs.

June 24, 2008 (Tuesday)

Travel to Aiken for meetings w/ RLB, Jr., re: various matters; work on Estate Tax Return issues; finalize, execute and file first accounting and petition for ext'n for filing Inventory & Appraisement. Work at Court house to review Exhibits, all hearings. Review I & A filed under seal by former PR s. Review documents, including I & A filed under seal by former PR/Trustees.
9.70 hrs.

June 25, 2008 (Wednesday)

Corresp. w/ former PRs re : I & A; confs. w/ RLB, Jr. and others re: various Estate matters; rec/rev. discovery in Ga. Declaratory Judgment action; rec/rev corresp. from counsel; review, research re: Motion for supersedeas.; begin factual response to Petition of Dallas and Bradley. Corresp. W/ Sizemore, Jg. Roe, Interested Parties and others re: various administration.
6.25 hrs.

June 26, 2008 (Thursday)

Work on matters related to museums, Christie's, creation of additional accounts upon receipt of Christie's funds, and other Estate matters; preparing for hearing and related matters.
7.25 hrs.

June 27, 2008(Friday)

Conf. w/ RLB, Jr. Re: concern that SC AG is not opposed to David Cannon and Albert Dallas. Finalize correspondence re: same. Work on negative impact apptmt. of Special Trustee will have if prior to the Christie's sale. Corresp. w/ AG to discuss same. Review Ltr of Toby Byron saying Dallas promised him 5% of sales in fall of 2007 (unauthorized). Ltr. to AG to transmit same. Preparing for hearing.
Ltr. to Schomburg Ctr. Re: use of song.
8.35 hrs.

June 28, 2008 (Saturday)

Preparing for hearing. Work on matters related to Christie's sale.
3.25 hrs.

June 29, 2008 (Sunday)

Prepare for hearing.
2.50 hrs.

June 30, 2008 (Monday)

Prep. for and attending hearing in Aiken re: various matters. Our counsel Jim Bailey sick and did not attend. (Learned of illness after hearing.) Primary concern, "emergency" petition of AG to appoint special trustee. Not yet served. Doc not filed in Probate Court. Concerned that will create chaos in 12 cases if Special Trustee appointed, and might stop the critical Christie's sale. Dallas, Bradley seeking supersedeas to lift stay.
11.00 hrs.

July 1, 2008 (Tuesday)

Research and work on Special Trustee, supersedeas issues; Confs. w/ RLB, Jr.
2.10 hrs.

July 2, 2008 (Wednesday)

Research, work Special Trustee, supersedeas issues; confs. RLB, Jr.
3.50 hrs.

July 3, 2008 (Thursday)

Rec. call from Christies re: Interference by Wayne Byrd , July 1, 2008 letter asserting sale is void.; Confs. w/ office re: documents delivered by office of AG.
2.50 hrs.

July 5, 2008 (Saturday)

Review files and docs, re: interference by Dallas, Bradley in sale.
2.75 hrs.

July 6, 2008 (Sunday)

Ret. to Columbia. Review all correspondence while away June 30 - July 6. Review Special Trustee issues. Work on various matters, pleadings and documents w/ RLB, Jr.
4.50 hrs.

July 7, 2008 (Monday)

Conferences and correspondence w/ Christie's and RLB, Jr. Re: threats of Wayne Byrd and assertion that contract was void. Work on threats of Forlando (William) Brown and Powell Goldstein to interfere with sale, threats of Dallas and Bradley to do same. Serving Motion to Dismiss Special Trustee Appointment and related documents.
7.50 hrs.

July 8, 2008 (Tuesday)

Corresp. w/counsel re: illness of our attorney. Ask that they communicate with us until August 1 hearing. Rec. Response from A. Byrd refusing to communicate with us. Insisting on communicating with Bailey. Numerous conferences with Christie's, counsel re: interference with Christie's sale by Powell Goldstein on behalf of Forlando (William) Brown as well as Dallas and Bradley. Conferences with counsel re: desire to comply with discovery in Federal case brought by Forlando (William) Brown while, at the same time, respecting the Order of Jg. Cureton that may place limits on our ability to act as Trustees in litigation. Working on response to supersedeas and/or motion to lift stay, to be filed after Christie's sale completed. Work on other matters related to Estate and Trust administration
9.30 hrs.

July 9, 2008 (Wednesday)

Rec/rev. correspondence, documents; work on discovery issues in suit where Forlando (William) Brown seeks to enjoin the Trust from any action and to return Cannon, Dallas and Bradley as Trustees. Meeting and confs. w/ RLB, Jr. Re: interference with Christie's sale. Initial work on matters raised in June 30 hearing that need attention.
9.20 hrs.

Note: Dallas and Bradley file Emergency Motion to Enforce Stay
Jg. Cureton (COA) issues Emergency Stay of Christie's Sale on request of Dallas/Bradley

July 10, 2008 (Thursday)

Rec/rev. 10:22 Order of Ct. Appeals temp stay of Christie's sale w/obligation to file return by noon Monday, July 14. Rec 11:20. Petition to "enforce stay" of Dallas, Bradley which was mailed to our lawyer despite notice of his illness. Engaged counsel, Tressa Hayes, to represent Estate/Trust; work to review file, facts w/ new counsel; conf. w/ various counsel, and counsel for Christie's. work w/ counsel to prepare and revise first draft of Return and Affidavit with intention to file tomorrow.
12.00 hrs.

July 11, 2008 (Friday)

Work all day w/counsel, RLB, Jr. on Return to Motion of Dallas, Bradley to try to stop the Christie's sale, and request for relief from stay. Filed same in Ct. Appeals. Review filings by Christie's. Rec/rev corresp. from SC

AG. Response to Toby Byron in connection with his assertion that he is owed a portion of the Neal Israel contract.
9.10 hrs.

July 12, 2008 (Saturday)

continued work on matters related to interference by Dallas, Bradley in sale, including review of our documents and filings, corresp. w/counsel; conf. w/ RLB, Jr.; reviewing transcripts and record; and call to Court Reporter, voice message, to obtain docs. Conf. W/ counsel re: filing. Transmit same.
6.26 hrs.

July 13, 2008 (Sunday)

Work on catalog, review will and trust in preparation for creation of segregated accounts upon receipts of Christie's proceeds if sale approved by Court; reviewing transcripts of December, January hearings in relation to interference by Albert Dallas, others with Christie's sale. Rec/rev rough draft of hearing held on June 30, 2008; confs. w/ RLB, Jr. about accounts, categories.
7.10 hrs.

July 14, 2008 (Monday)

Work on allocation of receipts to various accounts from sale, if approved, to send to heirs, devisees, etc. prior to sale, if possible. Work w/ counsel to prepare response to filing of AG with Ct. of Appeals in connection w/ Christie's sale. AG approves sale, but asserts PR/Trustees have no authority to act. Response reaffirms request for lifting of stay to allow us to proceed with litigation, etc. Rec/rev. approval for sale to proceed, authority to serve as PR/Trustees. Numerous confs. w/counsel, etc. re: appeal. Rec/rev Order of Jg. Cureton allowing sale and lifting stay so we can manage Estate/Trust. Attempt to reach 5 persons suggested by AG as SAs to schedule meeting to allow them to go to Beech Island, learn about Estate/Trust administration, litigation, etc. Steve Johnson & Xavier Starkes scheduled for 2 p.m. next Tuesday to meet at office, go to Beech Island, Aiken, discuss administration on trip. D. Sojourner on vacation until 25th. Unable to contact Tracey Green, Russell Bauknight.
10.50 hrs.

Note: Jg. Cureton (COA) Order lifts stay of Christie's Sale; expedites Dallas/Bradley Appeal.

July 15, 2008 (Tuesday)

Confs. w/ Christie's reps/ re: various issues related to sale. Confs. w/ RLB, Jr. Transmit to Court proposed Order which RLB, Jr. and I sought in May of 2008 to be able to pay tuition upon receipt of Christie's proceeds. Org. to be considered June 6. Then on May 30 counsel for Forlando (William) Brown & others asserted Ct. C/d not proceed w/ any matter related to Trust & we had no authority as Trustees. Delayed until after receipt of Order of Jg. Cureton dtd. July 14, lifting stay and confirming that we may act as Trustees. Further work on allocation of Christie's (and any related) proceeds to be deposited into separate accounts upon receipt of Christie's proceeds. Conf. w/ Mr. Washington to update him on Christie's developments. Hope able to

continue salary until receipt of proceeds from Christie's sale. Told him code name for sale. "Mr. Washington". Attempt to contact Stacey Green. Informed by his assistant that he did not have time to go to Beech Island either this week or next, and would call when he had time. Asked that he talk with RLB, Jr. and me about the Estate/Trust. Assistant said he would call when he had time to talk. Invited rep. of AG to go w/ us to Beech Island next week. Worked w/ staff on initial, tentative allocation of Christie's funds to segregated accounts for ease of administration. Contact S. R. about approval of proposal. 2d Conf. w/ Christie's. Learned that Buddy Dallas had filed affidavit f/b/o attorney for Jacque Hollander re: her assertion that Christie's may not sell, and that she may claim, a bracelet which Mr. Brown has owned for more than 20 years. Respond to issues raised by William Custer related to black cape. Asked family, former Trustees to provide info. re: provenance. Review of other issues needed to be addressed. Attempt to contact Robert Rosen to work on Scheduling Order.
10.25 hrs.

July 16, 2008 (Wednesday)

Travel to New York; work on sale, Trust, Estate issues en route; arrive NYC; travel to Christie's to review sale setup. Meet briefly w/ personnel; conf., mtg. W/ Leon Friedman. Intention to learn more of history of relationship w/ Brown, former PR/Trustees. Will arrange to obtain files as needed. confs. W/ RLB, Jr.
6.50 hrs.

July 17, 2008 (Thursday)

All-day attendance at Christie's sale, and meetings w/ RLB, Jr. and others; early a.m. Christie's seeks our approval to sell Grammy, holding proceeds in reserve and engaging counsel – says less expensive that their counsel. We ask for clear description of outcomes in writing. They produce. By then, with notice that child of Mr. Brown may be conducting news conferences in opposition to sale, and other factors, decide to withdraw Grammy. Conversation w/ Yamma Brown re: " negative comment....you should have taken the $2 Million." Assume this was oral suggestion received a few days ago that we be given a $2 Million loan, for 4 months, secured by assets at Christie's, to delay the sale. Based on fact that offer never made in writing; made at last minute even though represented that he had been working with Deanna and Yamma for several months; matters in limbo with Court; no interest rate; possible loss of more that $200,000 if delayed with Christie's; no assurances that sale could be reschedule and remarketed in 4 months; affidavit of Christie's, and numerous other factors – but mostly last minute oral offer with no terms, no interest – advised him unfortunately suggestion came too late. After completion of sale, on Thursday night, New York television station publishes live interview with Deanna B. Thomas, criticizing sale. Apparently interview conducted as sale was going on.
9.00 hrs.

Note: We were contacted by Kraig Fox of the Fox/Silliman Team about this "loan" just two days before the sale.

July 20, 2008 (Sunday)

Work on issues related to lifting of stay, sale, etc, including: Proposed consolidation and Scheduling Order; motions related to interference with Christie's sale; correspondence with S. C. State Museum and others re: items to be returned from Christie's; issues related to Geronimo; issues related to payments of costs and

expenses; issues related to Estate Tax Return in relation to sale; Global Gaming issues. Works on drafts, outlines of various documents, correspondence.
7.25 hrs.

July 21, 2008 (Monday)

rec/rev documents, correspondence, etc. received during absence. Respond to request, SR, after consultation w/RLB,. Jr;; conf. w/ Dr. Hamer, SC State Museum re: items placed w/ them, placing additional items returned from Christie's; attempted t/c to Hap Harris, ins. for Brown house; work on issues related to Consolidation, Scheduling of Will/Trust/Heirs proceeding; work on factual pattern related to interference with Christie's sale; prepare for meeting with Pr/Trustee Buchanan in Aiken tomorrow, and travel to Beech Island with persons AG wishes to be Special Trustees; further work on placement, insurance issues.
7.40 hrs.

July 22, 2008 (Tuesday)

rec/rev numerous documents; work on corresp. W/ L. Friedman re: files; Former Pr/Trusteees re: capes, passport, etc., T. Hayes re: representation in appeal. Meeting w/ F. Hamer, Elaine Nichols, re: items on Loan. View items; items to be sent from Christie's; corresp. W/ RLB, Jr. to Christie's, R. Gonzalez, former PR/Trustees. Travel to Aiken and Beech Island with S. Johnson, X. Starkes, to discuss possibilities of future service, issue challenging Estate/Trust; meet w/ J. Bailey re: Motion for costs related to Christie's sale. Conf. w/ Roosevelt Johnson.
8.25 hrs.

July 23, 2008 (Wednesday)

Meeting w/ M. Bodman who wanted info re: Elective Share, etc. Meeting w/ D. Williams, re: various matters, Forlando (Wm.) Brown suit; review record to prepare amended responses to Interrogatories; confs. w/ RLB, Jr. Re: various matters; rec complaints of clients of L. Levenson re: Museum.. Sending Museum Information. Rec/rev docs. from S.C. State Museum re: arrangements for Chrisitie's returned, etc.
7.75 hrs.

July 24, 2008 (Thursday)

Rec/rev numerous documents; preparing response to some. Confs. w/RLB, Jr.; other t/cs re: Brown Family Ed. Trust, objection by clients of Levenson to certain language in proposed Order. Objection by Rosen to payments without DNA testing; work on responses in Forlando (Wm) Brown Federal suit, emphasis on damage to be incurred by continued attacks of family on Estate Plan, attempts to return Cannon, Dallas & Bradley to positions of trust and enjoin the Trust from being able to defend the Estate Plan and preserve and protect the assets.
3.70 hrs.

July 25, 2008 (Friday)

Confs. W/ RLB, Jr. Re: various matters, including discovery in all cases light of July 14 Order; other actions to be taken in light of clarified authority of Trustees as ocnfirmed in July 14 Order. Attempt to reach Lewis Bus lines re: Bill not seen until this week. Work on discovery responses. Work on Elective Share matter, proposed Consolidation and Scheduling Order, Will/Trust/Heirs case. Rec/rev corresp. Work on proposals, approvals. Work on possibility of caretaker for Home Estate, to help w/ sorting, etc.
6.50 hrs.

July 26, 2008 (Saturday)

Review documents from Mr. Brown's home to be sent to museum. Work on issues related to Will/Trust/Heirs matter.
7.00 hrs.

July 27, 2008 (Sunday)

Cont'd work on docs. to be taken to museum; corresp. w/ other counsel re: Will/Trust/Heirs matter; work on issues related to Estate Tax Return, Qualification of "I Feel Good" Trust. Review transcript of June 30 re: preparation of various orders, directives. DNA matters.
6.25 hrs.

July 28, 2008 (Monday)

Confs. w/ numerous person re: assets, will/trust/heirs matter; continuing issues related to scheduling and attempting to have parties come to agreement on scheduling in Will/Trust/Heirs matter; work on matters related to Federal Suit of Forlando Brown to return Dallas, Cannon and Bradley as Trustees; corresp. w/ museums, others; rec/rev numerous items corresp. & reacting to same.Meeting in Columbia w/ RLB, Jr. Finalizing proposed Scheduling and Consolidation Order for Will/Trust/Heirs; numerous conferences re: DNA, other issues.
8.25 hrs.

July 29, 2008 (Tuesday)

Confs and corresp. w/ various persons re: scheduling, DNA, will/trust/heirs matter and financial matters for estate. Confs. w/ RLB, Jr. Re: insurance, taxes, etc.; conf. w/ RLB, Jr. & W. Sellars re: tax issues facing Estate and Brown Entities, including Tax Lien against JBE, Inc. resulting from actions of Phil Farr. Confs. Re: insurance and other critical related financial matters; rec/rev. and responding to proposed Orders; confs. w/ counsel in Federal suit to return Cannon, Dallas and Bradley.
6.50 hrs.

July 30, 2008 (Wednesday)

Confs. w/ Bank, RLB, Jr., accountant re: critical financial condition of Estate/Trust, need for interim financing to meet immediate needs. Rec'd loan of $15,000 from Bank for 60 days in order to meet payment of electricity for Home Estate, payment of insurance for Home Estate and payment of taxes and social security to continue

payment of D. Washington. Conf. w/ M.D. of Global Gaming re: placement in service of machines, possible payment. Rec motion of counsel for F., R. and T. Brown re: Will/Trust/Heirs matter.
7.25 hrs.

July 31, 2008 (Thursday)

Rec/Rev. Corresp. from various parties; completing documentation for Estate to borrow funds to provide funds for Security, insurance for Home Estate, appraisal of Home Estate owned by Trust and electricity for home Estate until receipt of Christie's sale funds; attending motion hearing in connection with suit in which Forlando (William) Brown and others are seeking to enjoin Trust from protecting itself from Cannon, Dallas & Bradley and to return Cannon, Dallas and Bradley as Trustees; Extensive discovery to be allowed under Standard Federal Court confidentiality Order with Reading Room provisions; Trustees required to produce documents of their service as Sas, PR s and Trustees from March 7, 2007, w/ Reading Room to be ready within approx. 1 week and computer records w/in 3 weeks. This will require counsel to review more than 1 million docs for confidentiality, AC privilege. Draft draft corresp. w/ F. Brown and R. Brown re: possibility of modst funds for tuition for education upon receipt of Christie's funds. Commence review of documents for attorney-client privilege in CORBIS Litigation, Suit by Few/Gilreath against Dallas, Cannon, Bradley & others; suits by Cannon, Dallas and Bradley against the Estate; Suit by Mr. Brown/Entities, NY litigation, brought by GT prior to death, and others; conf. w/ C. Moore of Schomburg Institute re: use of "Say it Loud" in book; conf. w/ M. Bodman re: coming tomorrow to review docs; scheduled to come, but then needed to go to Chas.;call and request that he come on Saturday or next week.(voice mail). Confirm approval by RLB, Jr./AJP of clearance; conf. w/ J. Smith re: issues related to songs, royalties; scheduled 1st mtg. for Saturday p.m. Work on issues related to succession plan, and discussion w/ RLB, Jr. of need to designate successors, and possible appointment of additional current PR/Trustee who has energy/time to vigorously defend the Estate Plan of Mr. Brown; In person and T/C meeting w/ RLB, Jr. Re: above & additional issues; work on minutes, affidavit (Note: pm to Chas, work on road).
9.75 hrs.

August 1, 2008 (Friday)

confs. w/ counsel; work on proposed Order related to segregation of cases; work on response to Attorney General. Rec/rev numerous docs, proposed Orders. Confs., RLB, Jr. Re: bank loan, other matters; conf. w/ counsel.
4.60 hrs.

Note: Jg. Early issues (second) Order Approving and Setting Conditions of Interim Tuition Benefits

August 2, 2008 (Saturday)

review docs. Discussion w/ M. Bodman, counsel for F. Brown re: Elective Share. He is in office to review Historical Files. Finalize, send ltr. to F. Brown, R. Brown re: tuition benefits for fall 2008 upon receipt of Christie's. Prepare for mtg. w/ J. Smith; work on issues related Geronimo, royalties. Meet w/ counsel, Federal Suit to make approx. 120 boxes available to other counsel for F. Brown ASAP.
5.10 hrs.

August 3, 2008 (Sunday)

Extensive preparation for meeting with counsel and RLB, Jr. On Tuesday, including review of transcript and issues Court requested that we complete, especially administrative and related issues. Meeting w/ consultant about royalty, copyright issues.
3.25 hrs.

August 4, 2008 (Monday)

Work on numerous items to prepare for meeting with counsel and RLB, Jr. On Tuesday. Receiving by process server complaint by Georgia Farm Bureau and extensive discovery; work with various persons on language of proposed Orders, necessary to the conduct of the Will/Trust litigation; work on disallowance of $31 Million claim of the Pullman Group, LLC. Conf. w/ counsel in NY claim re: need to disallow claim; confs. w/ counsel and preparing documents, files for discovery pursuant to Order in the Federal Suit brought by F. (Wm) Brown to return Cannon, Dallas & Bradley as Trustees and enjoin the Trust from being able to protect itself against $16 Million of claims by Dallas, Cannon & Bradley; rec/rev numerous communications from various persons re: DNA testing, scheduling, etc. Work w/ counsel, RLB, Jr. on drafts of proposed Orders to be circulated at or after tomorrow's meeting; Work on Geronimo matters.
5.75 hrs.

August 5, 2008 (Tuesday)

Preparing for and attending meeting of Trustees in Aiken. Commence hearing en route w/ confs. w/counsel re: Georgia Farm Bureau suit brought in Mc Duffie County, Georgia, home of Buddy Dallas - esp. discovery requests. First lengthy meeting w/ counsel Bailey since his illness. (Met briefly in July). Discussion of all developments, including matters raised in June 30 hearing still pending. Review corresp. By counsel to all Interested Parties and Court, enclosing proposed Consolidation, Testing & Scheduling Order in the Will/ Trust/Heirs case; discussion of Elective Share motion to dismiss or consolidate or stay. Discussion of Proposed Administrative Order; discussion of proposed Order assigning new case numbers to the 3 Dallas, Cannon & Bradley claims against the Estate. As per James Bailey, W. Byrd approves form of Order. No response from T. Lydon. Discussion of issues related to Geronimo, and need to pursue number of issues related to actions of Cannon, Copsidas, Intrigue, others. Signed notice of meeting for September 9 to explore areas. Telephone meeting w/ Ray Gonzalez to discuss w/him positive impact of July 14 ltr. Suggest check on Double i contract, possibly greater relationship. Also he will check on Pay-per view contracts and BET. Next mtg. on 26th. Additional discussions w/ RLB, Jr., counsel; check McDuffie county records; send payments and sign docs for cont'd insurance on Douglas Drive. Conf. re: appraiser; confs. w/possible counsel for Ga. Farm Bureau matter; confs. w/ A. & C. Waters who requested meeting tonight or tomorrow. Told them 10:30 tomorrow, Aiken, AJP by phone. Other business.
11.00 hrs.

August 6, 2008 (Wednesday)

Rec. email from RLB, Jr. that A. & C. Waters not coming. Requested possible meeting on August 26th. Suggesting movie deal. We will request written proposal before meeting. Rec/review filing in

Removal/Appointment/Accounting matter in which F. (Wm.) Brown assert that he w/draws stipulation because new information has come to light since the stipulation was signed in 2007. Rec. Ltr. from Wayne Byrd to J. Bailey suggesting that Dallas and Bradley are unable to prepare accountings because they can't get the Inventory & Appraisement they filed under seal w/Court on Nov. 15, 2007 from the Court or from their former counsel. Sent copy of form (not Notebook) which I obtained from the Clerk of Court's office, "for attys eyes only" in June, asked Court to unseal at hearing on June 30. W. Byrd agreed. Mtg. w/ counsel and computer technician to make docs available to Powell Goldstein, former counsel to former PR/Trustees, now representing F. (Wm) Brown. Primary concerns: Court approval and protection of trade secrets, including contract and royalty information. Transmitting documents completed at meeting w/ RLB, Jr. and J. Bailey yesterday. Express concerns to counsel for Dallas/Bradley that their accountings for Trust (August 2000 - November, 2007) and Estate (December 25, 2006 - November 20, 2007) missing. Confs. w/ RLB, Jr. and others re: counsel for Declaratory Judgment matter brought by Georgia Farm Bureau against Dallas, JBE, Inc. & RLB, Jr. and me as PRs and as Trustees to declare no coverage. Rec/rev. corresp. and docs. Conf. w/ P. Shahid to facilitate DNA testing for James II. Call, discuss ltr. of April 30.
5.20 hrs.

August 7, 2008 (Thursday)

Counsel for F. (Wm.) Brown in office all day w/our counsel, D. Williams. Providing docs. Mtg. w/ computer tech. to comply w/ Court Order in Federal, F. (Wm.) Case. Work providing docs., info. to new counsel in Ga. Farm Bureau case. Work w/ RLB, Jr. on opposition to Motion of Attorney General. Rec/rev various requests. Dealing w/ Labcorp re: issues related to DNA testing of James Brown II; confs. w/ RLB, Jr. and others, various matters. Work w/ Haber Corp., Pullman to authorize next audit; confs. w/ RLB, Jr. Rec/rev numerous documents, pleadings, etc.
5.70 hrs.

August 8, 2008 (Friday)

confs. Re: discovery, Federal case; rec/rev. corresp., various matters; rev. info. re: financial participation of F. (Wm.) Brown in TJBL, LLC, the entity which inappropriately attempted to appropriate the name of The James Brown Legacy, Inc. Review of documents pulled from Internet showing that entity was formed on December 5, 2007 15 days after our appt. as PR/Trustees. Concern about this financial relationship as it relates to his testimony on October 31, 2007.
1.25 hrs.

August 9, 2008 (Saturday)

Initial work on discovery matters, various cases. Review documents, including Cannon interference w/ M&T Bank's effort to obtain docs.
1.60 hrs.

August 10, 2008 (Sunday)

work on various matters for next mtg., confs., w/ counsel, including discovery in Will/Trust/Heirs matter; issues

related to appeal of Dallas and Bradley; issues related to appeal of Cannon; work w/ J.S. on matters related to royalties, etc.
6.25 hrs.

August 11, 2008 (Monday)

Working w/ RLB, Jr. & JB on Interrogatories for all parties, Will/Trust/Heirs matter; rec/rev info. Re; Geronimo. Counsel for A. Dallas asserts F. Copsidas paid his 2008 funds, Dallas asserts has rec'd none for year; respond. Reminder of Sept 9 mtg., notice sent on August 5. Confs. w/ counsel & RLB, Jr. Re: disallowance of claims against Estate/Trust, to be prepared and served. Work w/ counsel, RLB, Jr. on Requests for Production and Requests to Admit in Will/Trust/Heirs matter. Corresp. w/ R. Gonzalez re: Proposal. Rec/rev. motion re: Distribution of TPP; numerous other filings; confs w/ LabCorp, voicemail to Shahid to please proceed with DNA test. Further work on claims disallowance issue, consideration of Motion to amend Answer in Will/Trust/Heirs; conf. w/ D. Williams re:non-confidentiality of doc. produced by F. Brown. Need for Court clarification if opposing counsel does not agree.
10.75 hrs.

August 12, 2008 (Tuesday)

Review answers of F. (Wm.) Brown in Federal Suit. Confs. W/ counsel in Fed. Suit seeking return of Dallas, Cannon & Bradley. Daylong dealing with issues of Powell Goldstein, Federal Suit; rec/rev corrresp. & communications re: possible settlement by some parties. Request for additional information to assess impact on Estate Tax Returns to be filed, other pending litigation, including Will contest, Bradley, Dallas and Cannon claims (depositions requested for September), Geronimo meeting; t/c w/ E. Z. of S.C. State re: contacts made by Danny Ray directly with S.C. State. Conferences w/ RLB, Jr.; and meeting w/ RLB, Jr. P.M. to finalize and serve notices of disallowance of claims, most claimants.
8.25 hrs.

Note: Dallas and Bradley file Initial Brief in Court of Appeals
* Counsel for Hynie Brown issued "stand down" demand. Jones notifies Court of secret August 10 mediation.

August13, 2008 (Wednesday)

Review correspondence, pleading; prepare for hearing.
1.25 hrs.

August 14, 2008 (Thursday)

Work w/ computer technician on required discovery in Federal suit. Work with counsel on pleadings in federal suit. Work on draft pleadings in Ga. Farm Bureau suit. Confs. Re: creditors' claims. Research, review, Pullman $31 million claim. Rec/rev numerous documents, communications; conf. w/ counsel and RLB, Jr. Re: status conf. w/ Jg. Early requested by Levenson, Rosen. Discuss concerns over secrecy of proceedings in relation to false allegations made in both the Court of Appeals and the Federal Court over the November 20 meeting.

9.75 hrs.

August 15, 2008 (Friday)

Travel to Aiken for mtg. w/ RLB, Jr. And counsel re: Pleadings in F. (Wm.) Brown federal suit; complete review of pleadings; work on proposed pleadings in Georgia Farm Bureau suit brought by ins. Company for A. H. Dallas. Present same to our counsel in Georgia. Review and discussion of responses to the Pullman claim. Discussion of other matters related to Estate Tax Return, hearing on Tuesday, August 19. Concern that children of Mr. Brown assert right to claim large portion of his estate/trust. Meet w/ Mr. Washington re: status of property; rec/rev corresp. from various sources. Begin work, draft of motion related to secret settlement.
7.40 hrs.

August 16, 2008 (Saturday)

Work on motion related to full disclosure of purported secret settlement, addressing concerns that the children and Ms. Hynie Brown have no right to settle in violation of the rights of the beneficiaries of the James Brown 2000 Trust, which must be protected by the Trustees. Raise concerns over failure of AG to protect the interest of the Trust. Review of pleadings and records in federal, state cases.
6.25 hrs.

August 17, 2008 (Sunday)

Conf. w/ RLB, Jr. Further work on draft of motion raising numerous concerns about failure of AG to protect the interest of the James Brown 2000 Trust; secret "settlement" and other concerns. Work on response to Pullman $31 Million claim.
8.25 hrs.

August 18, 2008 (Monday)

Prepare for hearing and related matters. w/ RLB, Jr.; work on discovery and matters related to Federal Suit; pleadings; confs. w/counsel.
6.60 hrs.

August 19, 2008 (Tuesday)

Travel to Aiken. Prepare for and attend hearing. Confs. Re: Georgia suit; Discussion, Pullman, other matters. Aft. Return. Confs. w/ counsel for various parties (LL, AM)about non-confidential areas in which we can assist settlement provided: majority of Mr. Brown's assets to charity, as he desired; no return of Dallas, Cannon, Bradley; reasonable transition.
10.00 hrs.

Note: Jg. Early issues Order Consolidating Claims of Dallas, Cannon and Bradley for discovery.

August20, 2008 (Wednesday)

work on brief; confs. w/ counsel; miscellaneous matters related to Federal case, other matters. Conf. w/ accountant re: Estate Tax Return, related matters.
6.45 hrs.

August21, 2008 (Thursday)

Rec./rev numerous docs; work on discovery, Federal Case; review brief of appellants Dallas and Bradley in Ct. Appeals.
5.25 hrs.

August 22, 2008 (Friday)

work on brief, record on appeal, cont'd study of brief of appellants Dallas and Bradley.
3.25 hrs.

August 23, 2008 (Saturday)

continued work on brief, record; reviewing, revising drafts of statements of case, facts, etc.
7.25 hrs.

August 24, 2008 (Sunday)

Work on transcript, brief, correspondence, claims; rec/ brief review petition for allowance of claim.
6.25 hrs.

August 25, 2008 (Monday)

work on Brief, designations; continued review of all transcripts and designations of Dallas and Bradley.
8.25 hrs.

August26, 2008 (Tuesday)

Work on brief, designations; confs. w/ counsel re: Pullman claim answer & CC; Discussion w/ counsel, RLB, Jr. of issues related to jurisdictional claims of Dallas and Bradley, & claims Jg. should have recused self; Discussion of proper procedure to follow where Dallas and Bradley submitted affidavits which were not presented to Court prior to final ruling; rec/rev request for meeting, counsel for F. Copsidas. Conf. w/ R. Gonzales about possible settlement, actions to preserve legacy during period of negotiation; confs. w/RLB, Jr., work on issues related to Estate Tax Return, offer to change preparer if agreed by AG and majority of family, and if no positions taken adverse to Estate Plan. Teleph. conf. w/ R. Gonzalez re: Israel Ltr., current issues; confs., corresp. Re: Ga. Declaratory Jmt.
9.10 hrs.

August 27, 2008 (Wednesday)

Continued work with counsel on brief, designation, matters related to appeal. Confs. w/ all counsel on appeal matter re: development of brief, record; confs.
9.60 hrs.

August 28, 2008 (Thursday)

Work on brief, designation, appeal, other issues related to Estate administration, including petitions for allowance of claim filed by L&B, Peeples, Hull Towill, Pullman and others.
9.50 hrs.

August 29, 2008 (Friday)

Work w/ RLB, Jr. & counsel to finalize designation of matter to be included in record and Respondents' brief opposing the reutrn of Dallas, Cannon & Bradley at Trustees on jurisdictional grounds, as well as assertion that resignations should be overturned because of Jg.'s failure to recuse himself, failure of voluntariness, etc. Confs. re: pros and cons of seeking transfer of Cannon appeal to Dallas, Bradley appeal; rec/rev docs. from RLB, Jr. Re: Pullman ans., cc, other matters. Conf. w/ accountant re: possibility of cont'd service after our service is complete if we are replaced in settlement; communicate to Alan Medlin who asserts that he, Levenson clients and AG of SC speak as one voice, that they have not selected an accountant and do not have a choice to serve and prepare the Estate Tax Return (for our review and compliance with requirements of Mr. Brown's Estate Plan). Also advised that the "settling parties" are having mediation w/ clients of David Bell on September 15, rather than the previous Sunday, as expected. Expressed, w/ RLB, Jr. that settlement talks encouraged provided Mr. Brown's Estate Plan not violated; that most of the Estate/Trust goes for the charitable, educational purposes he espoused; and numerous other complicated issues about perpetual management, protection of the Estate Plan of Mr. Brown properly and thoughtfully addressed to carry out his wishes. Advised them that we view selection of competent accountant who is ready to accept and make smooth transition of work consistent with Mr. Brown's desires as expressed in his Estate Plan critical. Then numerous questions must be addressed for any transition.
10.50 hrs.

Note: Buchanan/Pope Initial Brief in Dallas/Bradley Appeal served.

August 30-August 31, 2008 (Sat./Sun.)

No work for Estate/Trust - Labor Day Weekend

September 1, 2008 (Monday)

Preparing for mtg. w/ RLB, Jr., counsel; review proposed answer & CC, Pullman suit, matters related to other claims, consolidation of appeals, royalty recapture issues, and other matters for meeting.
3.25 hrs.

September 2, 2008 (Tuesday)

conf. w/ Aiken Cty. Court clerk, Probate Court clerk, J. Drennan, counsel for Pullman, re: removal issue, assignment of numbers in Circuit Court to newly-filed suits by creditors; preparing for meeting; travel to Beech Island to inspect property, meet w/ Mr. Washington re: security, maintenance issues; attending meeting in Aiken, to review answer and cc in Pullman case; discussion of relationship of New York and SC Pullman cases, defenses, etc.; financial matters, revising and finalizing invitation to various "advisory" appointees to assist with defense of Estate Plan on temporary basis; review of Order proposed by office of Attorney General, and discussion w/ counsel of problems associated with failure to name parties in attendance and the clients with whom they are allowed to discuss the confidentiality matter; jurisdictional issues over holding parties in contempt when they are not parties, and are not named, and other problems associated with "confidential" agreement, etc. Telephone conf. w/ Bill Latham in which he proposed, very generally, to have "mutual releases" between F. Copsidas and Estate. RLB, Jr. and I questioned about relationship of Geronimo to proposed settlement. Latham had not considered. Questions from Latham re: purported contact of "counsel" for Estate in Nashville w/ C. Bobbitt. We unaware. Latham said CB employee of Intrigue. We discussed that CB had long history of separate relationship w/ Mr. Brown. Latham to find out more about contact and let us know. We indicated it could possibly be our Nashville counsel having seen CB's name on old contract he was reviewing. We advised Lath. to put any proposal in writing so that we would all know what parties, individuals, are covered by the proposal. Discussion of other matters raised in correspondence, contacts since last meeting.
10.00 hrs.

September 3, 2008 (Wednesday)

Work on Pullman claim, various other claims, responses. Miscellaneous Estate/Trust matters.
5.25 hrs.

September 4- September 6, 2008 (Th.- Sat.)

No work on Brown other than phone calls to check. Bonnie born September 4, 2009.
NO TIME

September 7, 2008 (Sunday)
Review Cannon appeal files to begin motion to dismiss or consolidate and expedite. Conf. w/ RLB, Jr.; meet w/ TH re: appeal matters.
3.25 hrs.

September 8, 2008 (Monday)

Rec/rev. corresp., Geronimo, other matters; work w/ counsel on dismissal, expedite and consolidate Cannon appeal. P.M. Work with Mr. Washington, Aiken County Sheriff, etc., re: burglar alarm at Home Estate. Sheriff at home. Then Mr. Washington. Then Mr. Washington and Sheriff, after obtaining key from RLB, Jr.
8.40 hrs.

September 9, 2008 (Tuesday)

Work on Answers to Petitions for Allowance of claims. Analyze Lukich decision as relates to protection of Estate Plan. Scheduled Geronimo meeting. RLB, Jr.'s father's funeral, unable to attend. Will present minutes from March meeting for review by all.
8.25 hrs.

September 10, 2008 (Wednesday)

Confs. w/ RLB, Jr. and others, re: Petitions, Answers, Elective Share matters. Grammy matters; facts related to expedited appeal of Cannon, consolidation with Dallas; Estate Tax Return.
8.50 hrs.

September 11, 2008 (Thursday)

Corresp. Re: various matters; work on motions, answers, Elective Share, TRHB actions to set aside Will, Trust, other cases; Pullman issues; other matters.
7.75 hrs.

September 12, 2008 (Friday)

Work w/ RLB, Jr., JB in Columbia [Probate Bench Bar Seminar] on Scheduling, motions related to Elective Share, TRHB claims, Petitions for Allowance of Claims, etc.; Work on Grammy museum matter, other matters; preparing for filings.
2.75 hrs.

September 14, 2008 (Sunday)

Review docs., Est. Tax Return, prep. Response to Expedite, consolidation.
2.00 hrs.

September 15, 2008 (Monday)

work on motions, Elective Share matters; disallowance matters.
2.85 hrs.

September 16, 2008 (Tuesday)

Confs. W/ RLB, Jr., counsel, re: scheduling, answers to petitions and motions pending, filed and to be filed, Elective Share, Allowances, Pullman. Confs. Re: appraisal and other Estate Tax Return matters.
3.50 hrs.

September 17, 2008 (Wednesday)

Confs. w/ RLB, Jr., others, re: answers to Petitions for allowance of Claims. K & B; Peeples; Jackson; Suggs & Gray; Pullman. Work on matters related to dismissal of TRHB claims in light of Lukich.

7.10 hrs.

September 18, 2008 (Thursday)

Rec/ rev addl info Grammy Museum; work w/ RLB, Jr. and counsel on answering complaints of plaintiffs in connection with claim disallowances; confs. Re: Motions to dismiss claims of TRHB.
7.80 hrs.

September 19, 2008 (Friday)

Confs. w/ RLB, Jr., others. Rec/rev. additional corresp. Re; clearances, Grammy Museum. Review facts for deposition, consolidation of Cannon, Dallas appeals; rec/rev. corresp. Pullman Litigation; Discuss additional motion to Dismiss; continued work on answers, cases resulting from disallowances.
8.75 hrs.

September 20, 2008 (Saturday)

Conf. w/ RLB, Jr. Work on issues related to attachment to Estate Tax Return; review facts for consolidation of Cannon, Dallas appeal.
2.50 hrs.

September 21, 2008 (Sunday)
Review Records, prep. For reply in motion to consolidate, expedite Cannon and Dallas/Bradley appeals, 2.75 hrs.

September 22, 2008 (Monday)

Deposition of Bob Buchanan, Federal Suit; Estate Tax Return issues.
8.25 hrs.

September 23, 2008 (Tuesday)

Deposition of Adele Pope, Federal Suit; work with accountant on Estate Tax Return matters.
8.30 hrs.

September 24, 2008 (Wednesday)

Confs. w/ RLB, Jr. accountant, others re: Cannon, Dallas, Bradley appeal matters; estate tax return; federal suit.
6.50 hrs.

September 25, 2008 (Thursday)

Appeal matters; Federal Suit; confs w/ RLB, Jr., atty.., correspondence; rec/rev pleadings, and work on suits on disallowances; work w/ accountant on challenges related to record on appeal; RIP matters.

7.20 hrs.

Note: Accountant Sellars attached the Post-Death, Dallas -created Schedule B to the Estate Tax Return because it had been given to him by Dallas before Dallas resigned. Corrected as soon as discovered.

September 26, 2008 (Friday)

(Newberry) Confs. Re: appeals Cannon, Dallas Bradley, record, etc.; Federal suit, misc. matters.
3.10 hrs.

September 27, 2008 (Saturday)

Attend Deposition of Forlando Brown, Federal Suit. Rec/rev. corresp; mtg. W/ RLB, Jr. Re: various matters.
7.00 hrs.

September 28, 2008 (Sunday)

Preparing for hearing, weekly meeting w/ RLB, Jr. Rec/rev corresp. Re: clearances.
2.10 hrs.

September 29, 2008 (Monday)

Travel to Aiken to attend hearing. Meeting with RLB, Jr. and J. Bailey re: hearings, claims cases pending for October, November. Estate Tax matters.
10.00 hrs.

September 30, 2008
Tuesday, Rec/rev corresp.; conf. W/ RLB, Jr. Re; Estate Tax Return, miscellaneous matters.
0.85 hrs.

Note: Jg. Early issues Order Admitting David B. Bell pro hac vice in Will/Trust/Heirs Matter
Jg. Early issues Order Denying Petition to Revoke pro hac vice admission of David B. Bell

October 1, 2008 (Wednesday)

Review depositions, Federal suit; rec/rev corresp,. Doc, various matters; work on approvals, various Warner Chappell; confs. Re: Estate Tax issues, issues related to proposed Settlement; attempts to make contact with accountant, royalty/image/persona persons; work on Cannon, Dallas, Bradley appeal issues.
6.75 hrs.

October 2, 2008 (Thursday)
(Newberry) Work on clearances; Cannon, Dallas, Bradley appeals and records on appeal;conf. w/ RLB, Jr.; review depositions, Federal suit.
6.25 hrs.

October 3, 2008 (Friday)

(Newberry) Confs. w/ RLB, Jr.; work on issues related to possible settlement proposals by various parties; review depositions, Federal Court suit to return Cannon, Dallas and Bradley.
3.80 hrs.

October 6, 2008 (Monday)

Rec/rev. corresp. re: clearances through Warner Chappell; conf. W/ RLB, Jr. Re: same; conf. w/ RLB, Jr. re: various tax issues, settlement proposals; rec/rev. motion of F. Brown and others to dismiss claims of TRH Brown; Rec/rev motion of D. Thomas and others to obtain file of Powell Goldstein. Work on misc. matters, including appeal of Dallas and Bradley, record.
2.95 hrs.

October 7, 2008 (Tuesday)

Preparing for weekly meeting; conf. w/ Dr. A. Carmichael re: history of Trust, issues; rec/rev. proposals; work on appeal issues; Federal Case issues; confs..
3.70 hrs.

October 8, 2008 (Wednesday)

Work w/ T. Hayes on Appeal of Dallas, Bradley, suggestion in motion that summonses were created by L. Levenson, not filed or presented to the Court. Assist counsel w/ investigation of same. Work on affidavit related to service or original accounting document on former PR/Trustees to counter affidavit that was not filed or presented to Court. Travel to Aiken for weekly mtg. w/ RLB, Jr. Meeting w/ J. Bailey; work on finalizing and service of Answers, Motions, Notices related to Petitions for Allowance of Claim of Wells, Jackson, Pettit, Parris, Pullman, and others. Conferences re: clearance requests. Telephone conf. w/ L. Levenson, A. Medlin and others in which Mr. Medlin asked about our willingness to resign for a transition. Explained that we could not begin to discuss any possible transition until we had a hand on what exactly was being proposed; whether it would result in any loss of the $38 (plus interest) million saved by the election of a charitable deduction on Mr. Brown's estate tax return. Explained our need to talk to the accountants of those who were working toward a partial settlement to see what their position was as to how to handle income issues for funds previously almost exclusively "paid or permanently set aside" for charity. Explained that neither of us is an income tax expert, but that it is obvious that 90+ % of Mr. Brown's assets, under his Estate Plan are paid or permanently set aside for charity. Thus, to the extent that any party proposes to take funds from charity, their accountants would need to work with us to have an understanding of how that would be handled in future. Subsequent telephone conference with L. Levenson and other invited members of settling and non-settling teams about need for confidentiality re: documents such as Estate Tax Return and contracts, as we have in the Federal suit. Concern for the number of hours associated with process of trying to designate and/or redact.
9.10 hrs.

October 9, 2008 (Thursday)

Work w/ counsel on Answers, Returns, Notices related to various claims filed against the Estate/Trust, including Hull Towill, Lewis and Babcock (revised) and others. Work on matters related to Advisory Board input into settlement proposals. Work on Dallas, Bradley appeal w/ T. Hayes, re: challenges to designations in record of Dallas and Bradley. Conferences and correspondence w/ reps. of publishers re: clearances.
9.70 hrs.

Note: Terry, Forlando & Romunzo Brown file Motions supporting dismissal of all causes of action to set aside Trust; support Buchanan/Pope's motion for summary judgment in Will/Trust contest.

October 10, 2008 (Friday)

Additional confs., corresp. Re: Estate Tax Returns, Income Tax Issues; need for hardship extensions both to file and pay resulting from fact that settling parties proposing to make payments to noncharitable beneficiaries, rather than most being paid or permanently set aside for charity; rec/rev. request for confidential tax and discovery information; work on issues related to federal proceeding, including reading and signing deposition in federal case. Additional work on issues, Court of appeals. Conferences w/ RLB, Jr. and others. Work on preparing for motions, discovery and trials in October and November, claims of Pullman, Dallas, Bradley, Cannon, Hull Towill, Staulcup, Wells, others.
7.85 hrs.

October 12, 2008 (Sunday)

work of confidentiality, copyright & related issues.
1.75 hrs.

October 13, 2008 (Monday)

confs. & corresp. w/counsel, others re: discovery and other issues, Will/Trust/Heirs matter; work on Federal suit matters, including deposition review; corresp., confs. W/ counsel appeal and circuit court matters; corresp.
5.75 hrs.

October 14, 2008 (Tuesday)

Work on matters related to claim suits to be heard in October, November; confs. w/ counsel re: claims suits, appeal matters, review of deposition, errors, etc; Geronimo, GG, and clearance matters.
6.25 hrs.

October 15, 2008 (Wednesday)

Confs. and corresp. Re: pending suits, requests for confidentiality Order, and need to protect confidentiality of financial information, contracts; confs. w/ RLB, Jr., counsel in CC and app. Matters.
6.50 hrs.

October 16, 2008 (Thursday)

Conferences and correspondence related to royalty clearances, etc.; confs. w/ counsel, RLB, Jr., staff re: preparation for hearings on Pullman, other matters, next week; work on Geronimo and other matters. Rec/rev. Order of Ct. Appeals responding to our motion to dismiss Cannon appeal; mtg. w/ counsel, Federal suit.
5.85 hrs.

October 18, 2008 (Saturday)

No work for Est/Trust Friday.(Charleston) Work on issues related to termination rights, early catlogue, contracts, relationships of Mr. Brown.
3.10 hrs.

October 19, 2008 (Sunday)

Work on copyright issues; clearances; GG matters.
2.85 hrs.

October 20, 2008 (Monday)

confs., corresp. W/ RLB, Jr., others re: clearances, other issues; rec/rev. documents related to Intrigue claim against estate; rec/rev/ documents related to Cannon's new counsel and new allegations in the Court of Appeals, circuit court (after removal)
4.10 hrs.

October 21, 2008 (Tuesday)

Work on matters related to hearing on Thursday in Aiken, including issues related to confidentiality, including proposed Order, return, etc.; need to have parity between discovery issues in Federal Court case and in various circuit court cases; review and work on claims issues.
6.80 hrs.

October 22, 2008 (Wednesday)

Travel to Aiken to prepare for hearing tomorrow; meet with J. Bailey, RLB, Jr.,re: claims of Pullman, Bennett, Murrell, Smith, Massey and others; work on proposed confidentiality Order; work on clearance issues, affidavit for Cannon appeal; and confidentiality issues for discovery in all pending cases, including Cannon vs. Estate, others.
7.50 hrs.

October 23, 2008 (Thursday)

Travel to Aiken; prepare for and attend hearing, includings motions and/or trials on the claims of Pullman Group; Phil Farr; Smith, Massey; Murrell; Staulcup;resulting in request for orders (Pullman); Bennett; partial

allowance, Murrell; allowance, Smith Massey; Disallowance, Staulcup; Disallowance, Farr; Disallowance, Bennett (prepare Order); conference w/ M. Ballenger re: defense of appeal, NY App. Div. Relationship of SC hearing to NY appeal; confs. W/ RLB, Jr., Tressa Hayes and others re: need to respond to false allegations of Cannon in Court of Appeals.
12.00 hrs.

Note: Jg. Early issues Order Granting Limited Stay of Discovery in Will/Trust/Heirs Matter.

October 24, 2008 (Friday)

Work with RLB, Jr. and counsel on all aspects of Cannon appeal, and related documents including review and inclusion of multiple documents in support of not extending Cannon's time for appeal; striking his recent filing in which he asserts court lacks jurisdiction and that he did not validly resign, attempts to withdraw his resignation; rec/reviewing clearances; correspondence re; various matters; receiving/reviewing and dealing with various estate/trust bills.
9.30 hrs.

October 25, 2008 (Saturday)

T/C w/ RLB, Jr. Meeting with counsel and staff re: Cannon appeal, motion to strike and return and related documents being served.
3.75 hrs.

October 27, 2008 (Monday)

Work on issues related to appeal, including providing copies to Mr. Rosen; conf., mtg. w/ RLB, Jr. and correspondence with AG re: willingness to provide bank statements, but need for compliance with Federal Order; Detailed review of Brief in appeal of Pullman suit pending in Court of Appeals, NY;lengthy conference with J. Bailey, M. Ball., A. Levin re: Pullman appeal in New York vs. matter pending in South Carolina. Work on discovery responses. Corresp. w/ counsel re: various clearance requests; conf. w/ Jg. Williams re: mtg., Advisory Board.
7.80 hrs.

October 28, 2008 (Tuesday)

Lengthy discussions with counsel in New York litigation of Estate, LLC, others vs. Pullman re: Appeal, especially issues of Dallas affidavit, etc., and portions of brief ripeness, mootness doctrines, and related to possible future sales and/or refinances; update counsel on matters in South Carolina, including Pullman proceedings here; Lengthy conf. w/ Nick , Universal, re: troublesome management issues of JB over a period of years; need and our desire to begin to rebuild. Rec/rev rulings from SC Ct. Appeals, Dallas/Bradley appeal rejected the summonses in the accounting matter filed by Mr. Brown's children as part of the appeal because no indication filed with the Court, even though former PR/Trustees' counsel acknowledged receipt which asserts defects waived. Travel to Aiken to meet w/ J.B., RLB, Jr. Re: Pullman issues and other orders needed from last week's hearing; work with counsel on Estate/Trust/Entities' responses to Interrogatories, Requests to Produce

and Requests to Admit, giving dates for depositions where we can appear (Nov. 7 or 14). Report of telephone mtg. W/ Nick; Meeting w/ RG re: clearances for independent films, karaoke, other matters. Responding to clearance requests Will be sending RG one or 2 clearance requests for further study; General discussion of our inability to get AG, family to appoint Royalty/Image/Persona representatives to work with us on clearances, as well as long-range planning for these issues. Agree that we are still in early stages of trying to establish confidence, sense of stability, and spread the word that we are being responsive to inquiries and requests. Confs. w/ staffs of Advisory Board members re: meeting on Nov. 11 being telephone meeting and possible dates for in-person meeting.
10.40 hrs.

October 29, 2008 (Wednesday)

Meeting w/ reps of S.C. State Museum to open items returned from Christie's ; work on deposition, federal suit; prepare for hearing on November 17, 18, scheduling of claims to be heard at November hearing; resolution of claims heard at last hearing; confs., corresp. Re: royalty issues.
8.90 hrs.

October 30, 2008
Thursday, [Death of Libby Johnson] Work on Pullman proposed Order; review proceedings in NY; confs. Re: Federal suit; discovery issues, deposition Federal Suit; requests re: Reading Room, etc. work on claims issues, 6.80

October 31, 2008 (Friday)

Travel to Aiken. Beech Island, meet w/ Mr. Washington, go through house, etc.; pick up 2 bankers boxes of files from L. Friedman; conf. w/ counsel re: procedure for releasing Est. Tax Return from Reading Room; scheduling of discovery in Federal Case; begin review of docs. From L.F.
5.25 hrs.

November 1, 2008 (Saturday)
Review and analysis of L.F. historical files related to contracts, legal challenges of JB, Publishers, etc. research, same; Work on chronology, exhibits for L&B trial; work on findings, etc. for Pullman Order.
5.50 hrs.

November 2, 2008 (Sunday)
Review docs related to Pullman matter; work on Pullman matter; work on L&B proposed exhibits and testimony; work on issues related to catalog, discography; cont'd review of L.F. files.
4.85 hrs.

November 3, 2008 (Monday)

Rec/Rev. Info re: Order; Work with A. Medlin prior to funeral of L. Johnson to redact all ss numbers, and have A. Medlin check, to comply with Order; notification to all parties covered in Order re: same; rec/rev corresp; work on L&B claim matter ; review documents, Orders; work on appeal matters.

3.25 hrs.

November 4, 2008 (Tuesday)

Work on L&B claim and other matters for weekly meeting; travel to Aiken for weekly meeting w/ RLB, Jr., JB. Work on preparing for responses to various claims to be heard, and notices of hearing; discovery issues, various claims; conducting Geronimo meeting which is challenged by Copsidas and Ransom, etc.
11.00

November 5, 2008 (Wednesday)

Work with counsel on matters related to Cannon and Dallas appeals, including motions and brief; rec/rev. documents related to attempts to return Cannon, Dallas and Bradley as Trustees. Receiving corresp. from counsel for TR Hynie Brown that we must agree to resign by Friday.
9.50 hrs.

November 6, 2008 (Thursday)

Work on various matters related to F. Brown suit to return Cannon, Dallas and Bradley; Work w/ counsel on amended brief, Ct. Appeals, Dallas and Bradley; work on Cannon appeal issues.
9.25 hrs.

November 7, 2008 (Friday)

Appeal matters, Cannon and Dallas and Bradley appeals; Rec/review copy of signed Order of Jg. Early re: Estate Tax Return. Meeting w/ RLB, Jr. and counsel; and others re: attempts by F. Brown to return Dallas, Cannon and Bradley as Trustees; Contact w/ Grammy Museum re: request; rec/rev request for clearance; confs. Re: matter under seal; motions, etc; preparing for hearing in which F. Brown seeks return of Cannon, Dallas and Bradley; rec/rev emergency motion and other pleadings by AG, Levenson clients, Shahid, and Rosen client, to attempt to appoint Special Administrator.
10.25 hrs.

November 8, 2008

Saturday, Review of depositions, documents, and file of L. Friedman.
4.50 hrs.

November 9, 2008 (Sunday)

Review of documents, files, depositions.
3.25 hrs.

November 10, 2008 (Monday)

Rec/Rev. Documents in which Parties contesting Will/Trust seek to remove PR/Trustees in order to carry into effect settlement which will provide: 25% to Hynie Brown; 25% to children of James Brown, but the outline of which does not deal with critical issues such as ownership of assets by particular entities; In Terrorem clause; failure of all parties to agree to Settlement; payment of Estate Taxes; and other critical issues that need addressing and resolution for a smooth transition. Rec/rev/ clearances; corresp.; further corresp. w/ L. Friedman re: additional docs.
7.25 hrs.

November 11, 2008 (Tuesday)

Work on L&B possible stipulation, numerous issues involving various lawsuits. Meet in Columbia w/ RLB, Jr. Re: various matters, including Intrigue issues, trial preparations, etc. confs. w/ attorneys.
9.00 hrs.

November 12, 2008 (Wednesday)

Conference w/ RLB, Jr. Re: various Estate/Trust matters; preparation for trial; confs. w/ counsel; reviewing documents.
7.75 hrs.

November 13, 2008 (Thursday)

Preparation for trials, L&B, others; review documents; prepare for Federal Hearing, attempt to enjoin Trustees from taking any action; work on various matters related to claims.Pullman Suit, NY matters.
8.50 hrs.

Note: Jg. Early issues Final Order Dismissing Pullman Petition for Allowance of Claim.

November 14, 2008 (Friday)

Rec/reviewing documents in Federal Suit; review of documents and Exhibits in connection with hearing in which Forlando Brown seeks to enjoin Trustees from any action; confs, prep., claims matters. Rec/rev. confs. re: Pullman suit, SC; work on motions, etc., suit to enforce settlement.
9.50 hrs.

November 15, 2008 (Saturday)

Review of depositions and documents; preparation for hearing, Federal suit.
5.25 hrs.

November 16, 2008 (Sunday)

Reviewing documents in preparation for hearing in Federal Court; review of Estate/Trust matters to be addressed in our absence. Meeting with potential intern to help with Entertainment matters.

6.50 hrs.

November 17, 2008 (Monday)

Travel to Beaufort and preparing for hearing on preliminary Injunction in Federal Suit, in which Forlando Brown seeks to prevent Trustees from taking any action to preserve, protect the Trust or defend the Estate Plan.
7.50 hrs.

November 18, 2008 (Tuesday)

Beaufort. Attend all day hearing, first. Forlando Brown in Federal suit seeks to enjoin Trustees from taking any action to preserve/protect the Trust. Testimony; review documents for continued testimony tomorrow.
8.00 hrs.

November 19, 2008 (Wednesday)

Beaufort .Preparing for and attending hearing on preliminary injunction in Federal Proceeding in which Forlando Brown seeks to enjoin the Trustees from taking any action, including defense of the Pullman Suit and $31 Million claim recently dismissed, Claims against Trust. RLB, Jr. And AJP both testified that preliminary injunction would cause irreparable harm to Trust in preventing defense of claim, general administration and defense of Will and Trust.
10.00 hrs.

November 20, 2008 (Thursday)

Preparing docs; Meeting in Aiken with RLB, Jr. And counsel re: various Estate/Trust matters, including preparing for merits hearing on L&B and Peeples claims, request for Declaratory Judgment regarding rights of parties, duties of PR/Trustees in connection with proposed settlement, including inability to file current and corrective tax returns because neither parties proposing settlement nor former PR/Trustees who assert they are still serving as Trustees and managers of Geronimo, LLC and JBE, Inc., has identified assets in Estate, Trust, JBE, Inc., etc.; rec additional clearances requests; review of proposal by non-paid intern re: project.
10.00 hrs.

November 21, 2008 (Friday)

Rec/rev. documents related to action to remove Cannon, Dallas Bradley, now pending in Ct. Appeals, etc. Confs. w/ RLB, Jr. Prepare for hearing; conf. w/ L&B and work on Stipulations. (AJP travel/ Charlottesville)
4.20 hrs.

November 23, 2008 (Sunday)

Preparation for hearing, L&B stipulation and additional facts; review pleadings and documents; review clearance issues; review tax matters.

4.50 hrs.

November 24, 2008 (Monday)

Preparation for L&B hearing, including mtg. To prepare stipulations and review Exhibits...Preparing for other hearings, matters; conferences with counsel and RLB, Jr. Preparing affidavit related to Irreparable Harm to Trust to result from emergency action to prevent PR/Trustees from defending Estate Plan and Continuing to take action to preserve and protect the Estate and Trust; conf. w/ Art Gold re: request of CORBIS to meet in NY in January to discuss CORBIS plans for James Brown, including discussion of inviting reps. of various family members to attend when invitation comes.
11.00 hrs.

November 25, 2008 (Tuesday)

Travel to Aiken for hearing on issue of appointment of Special PR and Special Trustee for review of proposed settlement. Meeting w/ counsel and RLB, Jr. Re: various Estate/Trust matters, including investigating whether Mr. Brown receives a separate cash payment from Warner/Chappell each year which is not sent to TIAA. Corresp. w/ W/C. Various Estate matters w/ RLB, Jr.; Conf. w/ B. Sellars re: termination prior to end of calendar year. Conf. Mr. Washington; Corresp. w/ Russell Bauknight to advise of need for accountant, initial info. Re: various issues.
9.75 hrs.

November 26 -November 30, 2008 (Wed. - Sun)

Receive and review documents related to attempts by Cannon to return as Trustee, along with Dallas and Bradley; review records and facts related to allegations that Court had no jurisdiction to remove. Rec/respond to corresp.
5.25 hrs.

December 1-December 4, 2008 (Mon- Thurs)

Rec/rev pleadings and documents; continued review of facts related to Cannon allegations; confs. w/ RLB, Jr. and others re: various Estate/Trust issues.
4.25 hrs.

December 5-December 6, 2008 (Fri & Sat)

No work. Jane and Tyler married. Saturday December 6, 2008.

December 7, 2008 (Sunday)

Review of documents, facts, hearing, records related to pleadings filed and brief of Cannon in Court of Appeals asserting he should remain as Trustee.
2.25 hrs.

December 8, 2008 (Monday)

rec/rev. documents and corresp. from prior week, including review of proposed Orders, motion, etc. confs. w/counsel and Buchanan. Preparing docs. Work with counsel, RLB, Jr., various matters.
8.25 hrs.

December 9, 2008 (Tuesday)

conferences w/counsel in Cannon, Dallas & Bradley appeals and review of motion. Travel to Aiken for weekly meeting; T/C W/E, Supervisor for Spring intern. Conf. W/counsel and review docs re: damages to be caused by injunction w/o full hearing, apptmt. Of Bauknight, who is unfamiliar w/twenty pending cases. Confs. W/counsel, Pullman case NY.
9.75 hrs.

December 10, 2008 (Wednesday)

Rec/rev. numerous documents, correspondence; confs. w/ counsel and others.
2.25 hrs.

December 11, 2008 (Thursday)

Work on numerous Estate/Trust matters; rec/rev docs; review docs; work on appeals of Cannon, others.
4.50 hrs.

December 12, 2008 (Friday)

Miscellaneous Estate matters; confs. w/ counsel, others.
1.10 hrs.

December 13, 2008 (Saturday)

Rec/Rev docs., motions.
0.70 hrs.

December 14, 2008 (Sunday)

Rec/rev. docs, corresp; requests; responses.
0.60 hrs.

December 15, 2008 (Monday)

None - Weiss Trial.
0.00

December 16, 2008 (Tuesday)

conf. W/ RLB, Jr. Re: Estate/Trust matters No other work. Weiss trial.
0.25 hours

December 17, 2008 (Wednesday)

conf.; corresp.; rec/rev, respond, proposals; rec/rev. Corresp; conf. w/ counsel, annon Appeal; review of records; Dallas/Bradley appeal.
2.70 hrs.

December 18, 2008 (Thursday)

Rec/rev. and responding to various matters, including tax issues, others; confs. w/ RLB, Jr., en route to, and return from Florence, re; various estate matters, including royalty issues, prospective work for intern, issues to be addressed in January, Brief in Court of Appeals, and other matters. Conf. W/ counsel.
4.50 hrs.

December 19, 2008 (Friday)

Jane's Birthday. Confs. w/ RLB, Jr. Rec/rev. corresp. from counsel for D. Cannon in which he asserts incorrectly that PR/Trustees have all of 7th Decade records, other incorrect statements.
3.25 hrs.

December 20, 2008 (Saturday)

Working on Income Tax strategies now that it has become apparent that neither Cannon nor counsel for Dallas & Bradley will provide any information about 7th Decade, including whether it made W-2 or 1099 payments to the Trust or to Mr. Brown, etc.; Further work on facts, etc. for brief, opposing Mr. Cannon's attempts to return as Trustee and to prevent return of the additional funds he was ordered to pay the Estate.
7.85 hrs.

December 21, 2008 (Sunday)

Review of proposals to settle, other matters, in attempt to begin framework for settlement which deals with the need for permanent prevention of return of Cannon, Dallas and Bradley from the Estate/Trust, minimum reasonable loss to the Trust; and clear transition so that the Estate/Trust will not fall back into chaos.
6.50 hrs.

December 22, 2008 (Monday)

Work with counsel on Cannon and Dallas Bradley Appeal matters, reviewing documents and records for appeal related to Cannon's assertion in the Court of Appeals that Jg. Early had no jurisdiction to issue any of the more than 15 Orders he issued; work on other pending matters, including rec/rev and responding to various issues.

7.20 hrs.

December 23, 2008 (Tuesday)

Continued work With counsel on Cannon and Dallas/Bradley appeal matters; further review of Cannon Initial Brief and reviews of several drafts of Initial Brief of Respondents Buchanan, Pope. Correspondences w/ RLB, Jr., others related to additional matters, Beech Island, etc. Arrangements made this wk. For inspection pursuant to court-ordered confidential subpoena.
8.10 hrs.

December 24, 2008 (Wednesday)

Working with counsel in connection with finalizing and serving brief of Respondents Buchanan and Pope in the Cannon Appeal; prep. for contingencies while AJP out.
8.60 hrs.

December 25-December 26, 2008 (Th - Fri.)

Review of JB Musical History, documents related to financial history, claims against Estate, CORBIS matters, royalty image persona issues, and briefs.
7.00 hrs.

December 27, 2008 (Saturday)

Continued review of documents and musical history (NYC).
2.75 hrs.

December 28, 2008 (Sunday)

No work.

December 29-December 31, 2008 (Mon - Wed)

Confs. w/ RLB, Jr., staff re correspondence, current matters; cont'd work on JB musical, financial history, CORBIS issues.
5.00 hrs.

January 1, 2009 (Thursday)

Further documents study; review filings and documents; (NBY).
5.00 hrs.

January 2, 2009 (Friday)

Travel to Aiken for meeting with RLB, Jr., counsel re: numerous Estate Matters, including issues related to service, filing of McMaster Case, in which it appears that Plaintiffs have not properly served at least one Defendant, Forlando Brown, who nevertheless appeared in the action on Nov. 25. Travel with to Beech Island to look for J.C. Photos which Cannon represented were delivered to my office, but which were not. Found number of disks, as photos were described to me by Cannon's counsel as being on disks, in box identified in April, 2008 by DW as having been delivered by Wells - but after having been picked up from Mr. Cannon. [I believe this may have been part of what Mr. Wells delivered last fall, delivering the "Wells Box" to my office, and apparently, this box to Beech Island.] When it was identified, AJP sealed it so that the museum representatives, who were selecting items to retain on loan purusant to Court Order, would not remove any items]. Secured box w/ RLB, Jr. for inspection of disks, rolodex, as necessary. Listened w/ DW to tape re: Mr. Brown's burial instructions, to be buried w/ parents; Placed tape in glass curio cabinet, along w/ handwritten Note:. Placed number of items in bedroom for additional security; corresp. w/ L. Friedman to return additional file– post 2000 – which he has not returned; review and response to clearances; review of 2008 successes and challenges.
9.50 hrs.

January 3, 2009 (Saturday)

Review of documents, including JC; initial review in connection w/ annual summary; research on copyright issues.
4.50 hrs.

January 4, 2009 (Sunday)

Further work, music, royalty issues; review of documents in conn. w/ requirements for settlement, due diligence necessary to be prepared to settle; study royalty issues.
6.75 hrs.

January 5, 2009 (Monday)

rec/rev. corresp. f/m counsel re: service issues, McMaster v. Dallas; work w/ counsel and Staff on Supp. Motion, McMaster vs. Dallas matter; initial work on Income Tax matters for 2008 to be covered in first meeting w/ accountants; message, Bill Sellars, 2007 Income Tax Returns; conf w/ counsel re: various litigation matters in Federal Court, Ct. Appeals, Circuit Court, etc..; confs. Re: travel to New York City to meet w/ CORBIS reps; Work w/ RLB, Jr. on various matters, including rev. Letter to counsel for D. Cannon, Warner re: errors in Brief Next Meeting, Friday, January 9
hrs. 8.10

January 6, 2009 (Tuesday)

Work on McMaster case motions; clearances; rec/rev. documents related to Cannon Appeal; read and review documents related to McMaster, Cannon, Dallas/Bradley and other matters.
8.50 hrs.

January 7, 2009 (Wednesday)

work on status report of pending cases, matters related to F. Brown attempts to enjoin Trustees; Petition of AG, Levenson Group, Hynie Brown Group to enjoin PR/Trustees; study copyright, royalty issues related to proposed settlement; Confidential: per Order of Judge.
8.25 hrs.

Note: Jg. Early issues Order Appointing Special PR/Trustee.

January 8, 2009 (Thursday)

Preparing for meeting of PR/Trustees; work on numerous matters related to pending litigation, including F. Brown, Cannon Appeal, Dallas/Bradley appeal and other matters; confs. w/ counsel; clearance issues; corresp. Royalty issues.
7.25 hrs.

January 9, 2009 (Friday)

Travel to Aiken and Beech Island; daylong meeting w/ RLB, Jr.to work with counsel to finalize and serve supplemental motions to prevent premature decision relating to any settlement that does not properly reach, after discovery, the question of who are the heirs at law of James Brown; whether TRHB's marriage renders her claim to be the surviving spouse void; and other critical issues; the payments of debts, expenses of administration; the $40 Million Estate and income tax threat; and other critical matters; travel to Beech Island at request of family to visit home of Mr. Brown near second anniversary of death. Only D. and D. Brown attended, with L.C., their counsel. Allowed to visit w/ counsel and videotape home upon agreement not to use the video for any commercial purpose; provide the Estate/Trust w/ a copy w/h may be used for any purpose; and abide by all earlier Orders; Work on various administrative matters, bills, etc.
10.00 hrs.

January 10, 2009 (Saturday)

Review copy of Order of Jg. Early and possibility for irreparable damage to Estate/Trust through inadvertent and rushed determination of material issues and findings which need to be developed through discovery; Further work on 2008 Annual Report authorized at meeting of January 2.
3.25 hrs.

January 11, 2009 (Sunday)

Charleston, finalize outline of due diligence project to be conducted by JJ; conf. w/ RLB, Jr.; meet with J Jones to formulate project, scheduling, weekly meeting and updates; expectations, priority of research, etc.; further review of proposed "contribution agreement and other documents"; review of documents and records.
7.25 hrs.

January 12, 2009 (Monday)

Travel to Orangeburg to meet w/ EZ at IP Stanback Museum & Planetarium, view space w/ current show, JB show to open in February; discuss catalog, honor to be given JB; rec by fax in Oburg, review w/ counsel draft, Brief of Resps, Federal Suit of F. Brown in which he seeks to enjoin the Trustees from taking any action, paralyze the Trust; prepare w/ RLB, Jr. Ltr. to Windsor Group re: possibility of developing letter of intent to purchase assets based on developments in last quarter of 2008 (Est. Tax Return; Pullman S. C. Decision; Cannon, Dallas, Bradley appeals in briefing stage, with possibility of decision within year; commencement of due diligence studies to begin in 2009, etc.); confs.w/ RLB, Jr. and counsel throughout day; Initial review of Rutgers Law Review article re: EP, Copyright renewals and terminations, etc., the subject to our due diligence project for 2009.
6.20 hrs.

January 13, 2009 (Tuesday)

Conference w/ RLB, Jr. En route to Florence and in Florence re: various matters, includng issues of termination and renewal rights; due diligence study to be conducted during 2009 related to interrelationship of EP and copyright laws, and charitable regime, including due diligence re: sale or retention of assets, including royalties, image and persona; conf. w/ RLB, Jr. and entertainment counsel to review issues related to request for clearance and option, urgent, Sat. Night Live; approved same after review; submit Play entitled "Respect" request for Say it Loud; conf. w/ Dr. T. Cox re: trying to send fax; corresp. w/ Leon Friedman re: Haber Corporation audit, possibility of meeting Sunday in NYC if time permits; rec/brief review of status of State Cases prepared by F. Brown in Federal Case; rec/ but no opportunity to review Brief of Pl., Federal Case; conf. w/ Art Gold re: arrangements for Sunday; corresp. w/ Extern re: project, research for due diligence; corresp. w/ Russell Bauknight to invite to meeting; conf. w/ RLB, Jr. Counsel on return. T/C T. Cox, responding to ltr.
8.75 hrs.

January 14, 2009 (Wednesday)

Conf. w/ RLB, Jr. En route to Florence; discussion of outline/ format for Mot. Reconsid. of Order of Jg. Early which fails to take into account the need for a determination of "Heirs" before any settlement can be considered with respect to Mr. Brown's; Discussion of outline for Due Diligence on two fronts to be conducted during 2009: 1. The whole issue of retention of royalties, image and persona and benefits and problems associated with doing so in a charitable regime; and 2. Sale vs. retention. work with counsel, RLB, Jr. as returning from Florence & in Cola. To finalize Mot. For Reconsid. and prepare for service of same; rec/brief review of Initial Brief of M&T; corresp. JJ, others; Conf. w/ T. Cox re: possibility of his investors' cont'd interest in asset purchase.
10.30 hrs.

January 15, 2009 (Thursday)

Telephone meeting w/ RLB, Jr. En route to Florence, to discuss and respond to request from RB, matters related to Mot. For Reconsid, McMaster; confidentiality request in CORBIS matter; possibility of mtg. w/ L. Friedman in connection w/ historical issues; Responding to clearances; review Nov., Dec. Jan Clearance requests to confirm pending matters will be reviewed at next meeting; Reviewing initial brief of Respondent/Creditor M&T

6.25 hrs.

January 23, 2009 (Friday)

Preparing, rec/rev. docs; research on various issues; corresp. and confs. w/ RLB, Jr. and counsel re: Forlando Brown suit; rev/ memorandum in F. Brown suit; clearance issues; corresp.
9.50 hrs.

January 24, 2009 (Saturday)

Continuing research, Federal Copyright law as it relates to proposed settlement and failure to properly identify Heirs of Mr. Brown; damage to result from same; research, documents review
[Not time entered]

January 25, 2009 (Sunday)

continued research, doc. Review, preparation.
3.25 hrs.

January 26, 2009 (Monday)

rec/rev numerous documents; work w/ counsel; preparing for hearing, Due diligence issues.
6.50 hrs.

January 27, 2009 (Tuesday)

work on various documents; conferences w/ counsel and others; Travel to Aiken to meet w/ J. Bailey, wkly mtg. w/ RLB, Jr; conf. w/ counsel for Pullman litigation; rec/rev proposals; rec/rev. corresp. from counsel in CORBIS litigation. Review documents at Court.
10.50 hrs.

January 28, 2009 (Wednesday)

rec/rev. documents related to proposed CORBIS Settlement; rec/rev court's agenda for hearing on January 30; rec/rev. various documents, motions and pleadings; rec/rev. proposals re: Music; prepare due diligence issues for hearing ;confs. and corresp. related to museums, at request of interested party; confs. w/ RLB, Jr. Re: various matters; work on annual Report, 2008.
8.10 hrs.

January 29, 2009 (Thursday)

Rec/rev. corresp. from counsel re: clearance requests; responding to same; meeting w/ RLB, Jr. By telephone

and in Columbia to prepare for hearing, need to call to Court's attention jeopardy of $40 Million Estate Tax and interest from possible loss of Estate Tax charitable Deduction; concerns about misconceptions related to Copyright termination laws, and belief that the termination rights of heirs are much more valuable than is correct; rec/rev correspondence, orders in Cannon Appeal matter in Court of Appeals; reviewing federal copyright laws; rec/rev. docs related to CORBIS litigation; working on how to address concerns that rushed settlement not agreed to by the parties will result in further litigation and discord related to royalties and other matters.
11.00 hrs.

January 30, 2009 (Friday)

Preparing for and attending hearing in Aiken during which time proposed "settling parties" proposed, in addition to earlier agreements, to give Terry Brown a percentage of Estate and a Right of First Refusal to purchase the Music Rights, Image and Persona of James Brown; Russell Bauknight testified that he had conducted virtually no due diligence regarding value, legal issues or other critical issues to the proposed "settlement", but nevertheless recommended that the Court approve the Settlement, including the Right of First Refusal to Terry Brown.
11.00 hrs.

January 31, 2009 (Saturday)

Review pleadings and documents; research re: various matters related to settlement; review documents and records.
4.25 hrs.

February 1, 2009 (Sunday)

Review of records, interviews, documents to address concerns about due diligence for the protection of Mr. Brown's Estate Plan; concerns for loss of Estate Tax Charitable and Marital Deductions and other issues.
4.75 hrs.

February 2, 2009 (Monday)

Rec/rev corresp. from Court, various parties, re: scheduling of continuation of hearing; confs. w/ counsel, RLB, Jr. Re: numerous Estate matters, clearances, etc.; how to respond appropriately to troublesome testimony of Bauknight, Right of First Refusal to Terry Brown; office conf. w/ accountant re: tax deposits, various matters. Invited Heyward Carter to attend to discuss Estate Tax Problems with marital and charitable deduction; he refused.; further work on motion, hearing related matters. Corresp. w/AG re: First Bullet point issues to be looked at in connection with "Transition". Corresp. w/Warner Chappell re: royalty payments. Corresp. w/ TIAA re: request for lowering of interest rate.
11.00 hrs.

February 3, 2009 (Tuesday)

Work on motion, related matters; conf. w/ J. Gilreath, RLB, Jr., T. Hayes and others re: various developing matters; work w/ RLB, Jr. and others on issue of Right of First Offer to present as proposal in lieu of right of first refusal. AJP views this as very acceptable mechanism, since family now appears to be anxious for sale; rec/ rev. corresp., requests for clearances, etc. numerous conferences re: developments in Circuit Court, how same relates to Pullman litigation oral argument.
11.00 hrs.

February 4, 2009 (Wednesday)

Work on matters related to Circuit Court; Federal Court; clearances; and matters pending in the Court of Appeals; speak w/ Wayne Byrd about trying to get info for tax returns for 2007. He suggests Dallas, Br. want to cooperate about that. Confs. Re: Morgan Stanley litigation, CORBIS litigation.
8.25 hrs.

February 5, 2009(Thursday)

Work on numerous matters related to due diligence and concern over additional millions in value proposed to go from Estate/Trust in connection with proposal for Terry Brown; conf. w/ counsel; confs. w/ RLB, Jr. Work on issues related to Right of First Offer, etc.
8.50 hrs.

February 6, 2009 (Friday)

reviewing documents and conf. w/ counsel in connection with suit of Forlando Brown; confs. and corresp. w/ RLB, Jr. Re: clearances, other matters; conf. w/ Counsel; rec/rev. new suit to remove Bauknight filed in Probate Court; due diligence re: attorneys' fees proposed to be paid from settlement.
7.80 hrs.

February 7, 2009 (Saturday)

research; conf. w/ counsel.
3.25 hrs.

February 8, 2009 (Sunday)

Work on facts, documents related to Federal Court matter, including facts and documents supporting Estate/Trust's position that Will and Trust of James Brown are valid; that return of Cannon, Dallas and Bradley as Trustees would not be in the best interest of the Estate/Trust. Transmit letter requesting that Attorney General McMaster look into and obtain attorneys' fees and costs of all attorneys working for Hynie Brown and Levenson clients, as well as James II, so that we can conduct due diligence on what they are trying to charge against Estate/Trust.
6.85 hrs.

February 9, 2009 (Monday)

work w/ RLB, Jr. and counsel in connection with Appeal of appt. of R. Bauknight, who failed to take any measures to conduct due diligence or protect the interest of the Estate/Trust of James Brown. Review whether appeal or removal, as sought by others, in best interest of Estate/Trust. Notified all parties in attempt to try to have agreement to stay the appeal pending necessary ruling by Jg. Early which could result in fair mediation, which we seek. Work on facts, documents related to F. Brown case in federal court. Receipt of Tax Lien Notice and conf. w/ Mr. Goodlett of IRS about appeal and intervention procedure. Work on docs to send for review. Meeting with RLB, Jr. To execute same. Rec/ beg.rev. transcript of hearing held on January 30. Continued attempts to obtain from "settling parties" attorneys' fees they are trying to charge against Estate/Trust so that we can conduct final due diligence. Conf. W/ atty. In Morgan Stanley suit. Getting file ready for Morgan Stanley document review, Tuesday - Thursday.
11.00 hrs.

February 10, 2009 (Tuesday)

Telephone meetings w/ RLB, Jr. to discuss various Estate/Trust matters, including clearances and need to complete GreenLight (confidential) settlement docs. Rec/rev. documents, correspondence and pleadings relating to clearances, pending cases, tax matters, and responding to same. Rec'd threat from Mr. Rosen to seek injunction trying to prevent Estate/Trust from expending attorneys' fees to protect itself in connection with the Will/Trust contest, etc. No word from AG or Settling Parties as to their attorneys' fees and costs, although requested. Work on matters related to the Cannon appeal and Dallas appeal, including working w/ counsel on the issue of removing personal identifiers, which Cannon and Dallas apparently failed to do in their appeal, and we need to do in the supplemental filing we are making. Morgan Stanley counsel (4) in office under confidentiality Order reviewing documents.
9.50 hrs.

February 11, 2009 (Wednesday)

Confs. w/RLB, Jr. On way to/return from Florence re: various Estate/Trust matters, including appeal of McMaster Order; threats by Rosen and others to attempt to paralyze the Trust by preventing further use of counsel; seeking ex parte Order; work w/ counsel on response to Cannon motion for reconsideration of denial of motion filed on the 10th, of which we were not given a copy; work w/ counsel issues related to brief in Forlando Brown suit, Record on Appeal, Cannon Appeal; Levy against JBE, Inc., and other matters; Conferences throughout the day with J. Gilreath re: requests, etc.of Morgan Stanley; work with their confidential discovery within reading room; issues related to documents; rec/rev. various motions, docs., corresp., etc.
8.50 hrs.

February 12, 2009 (Thursday)

Preparing for weekly mtg. w/ RLB, Jr. Work on documents and papers; conf. w/ Alan Rothschild re: concerns about disqualification of charitable deduction, other practical problems associated with creating a "settlement entity"; problems associated with proposing a Trust with no Trustee; conf. w/ Jill at Global Gaming; rec/rev info. that Cannon was reporting to jail, making unlikely that he will immediately pay back the funds to send

$370,000 to M&T Bank; rec/rev filings with Ct. Appeals by Cannon, Dallas, etc., rec/rev and discuss w/ RLB, Jr. various requests for clearances, other matters while RLB, Jr. on road from Florence. Consultations w/ counsel and Morgan Stanley representatives (4) and our counsel throughout day about confidentiality agreement; reading room sign-in sheet; document production; copying, etc. Rec/rev. Order, Forlando Brown case; other documents, motions, etc.
11.00 hrs.

February 13, 2009 (Friday)

Travel to Aiken for meeting with RLB, Jr., JB and t/c w/ DW re: various Estate/Trust matters which JB has missed. Discuss signing updated fee agreement to confirm expanded work, work completed, and ask Court review of necessary work for the protection of the Trust/Estate in light of attempts to paralyze the Trust by preventing the engagement/retention of counsel necessary both for the proper administration of the Estate/Trust and for the conduct of litigation to preserve and protect the assets of the Estate/Trust. Review the cost of the proposed "settlement" to the Estate/Trust. Rec/rev. Motion of AG, counsel for Hynie Brown and others, to dismiss appeal; rec/rev and responding to requests for clearances; rec/rev other documents and correspondence.
8.20 hrs.

February 14, 2009 (Saturday)

Work on facts and issues related to court-ordered transition plan; preparing draft issues related to transition if Court approves issue; work on motion of Hynie Brown, others, to attempt to paralyze the Estate/Trust.
8.75 hrs.

February 15, 2009 (Sunday)

Further work on motion and return and opposition to motion. Work on CORBIS Settlement proposal issues; rec/rev. information related to appeals pending; research, etc.
5.85 hrs.

February 16, 2009 (Monday)

Work on motions, returns, affidavits, Morgan Stanley issues; CORBIS matters; clearance matters; corresp. w/ Global Gaming; preparing for weekly meeting with RLB, Jr. Conf. w/ counsel on various appeals; confs. w/ RLB, Jr.
10.50 hrs.

February 17, 2009 (Tuesday)

Meeting with counsel and RLB, Jr. Work on clearance issues, issues related to "Bullet Points"; work on return to motion and motion; work on matters related to the appeals, various responses; work on Warner Chapp. Clearance as related to GG. T. Confs., Dreitzer, Conlin re: this issue; work on Affidavit, attachments; conf. w/ extern.
11.00 hrs.

February 18, 2009 (Wednesday)

Further work on various matters, including confs. w/ R. Gonzalez re: Mr. Dynamite issue, W. C. Issue, etc. confs. w/RLB, Jr. ; confs. Review documents; work on facts in Federal Litigation; work on matters related to appeals, hearing now set for March 26th.
10.10 hrs.

February 19, 2009 (Thursday)

Work w/ T. Hayes on return to mot.to dismiss appeal, and request to hold appeal in abeyance pending rulings by Circuit Jg. Work on matters related to Injunction Request in Federal Court suit by Forlando Brown to enjoin T/ees from taking any action to protect the Trust; work on Bullet Points in case Court approves proposed "settlement" as "amended" over objection of PR/Trustees, including charts to show loss to Estate/Trust of proposed "Settlement"; actions needed to protect the Estate in connection with creditors, taxing authorities, and those who do not consent to the "settlement"; rec call from Stanback Museum directress about S. C. State Museum opening tomorrow of James Brown Exhibit; conference with Extern re: research on copyright issues; conference with Art Gold re: CONFIDENTIAL settlement issues with CORBIS and GreenLight; Conf. w/ Marianne Conlin re; GT and GG contacts with Carlin in later 2006 and 2007 about clearances for use in Slot Machine project, why the clearances were cancelled. Requested information to make sure there is no interference with that contract. She will send me the information about contact of Suzanne Weston of GT in late 2006 and Jill in 2007. Explained that we hope to make progress with the GG issue. Perhaps they have decided on other songs? Will inquire of GG; Corresp. and CONFIDENTIAL CORBIS settlement to him, after review by Bob; report from Mr. Washington that leak at Beech Island. Water off and made arrangements for plumber to come on Wednesday b/ween 10-2; Message W. Powell, Archives/History, to change travel to Beech Island to coincide w/ Plumber.; confs. Throughout day w/ RLB, Jr. As to all issues.
10.60 hrs.

February 20, 2009 (Friday)

Work on numerous issues related to appeals of Dallas and Bradley, matters to be heard at March hearing, problems associated with proposed "settlement" and clearance issues; preparing documents; rece/rev motions, pleadings, etc. related to various cases; review Orders related to sale to deal with Estate crisis issues of home, maintenance by Mr. Washington, etc. Arrangements w/ plumbers, etc.
10.10 hrs.

February 21, 2009 (Saturday),Research related to issues for hearing in March 2009, including statutes of limitations regarding Irrevocable Trust; rec/rev. emails re: various Estate/Trust matters; review documents, pleadings and records.
7.25 hrs.

February 22, 2009 (Sunday)

Further work on matters related to hearings in March, including research, review pleadings, work on motions, affidavits, pleadings, motions.

6.75 hrs.

February 23, 2009 (Monday)

Further work on Estate/Trust matters related to upcoming hearings; conf. w/ accountant re: D. Washington; corresp, motion, etc.; confs. w/ counsel; work on appeal matters, Review royalty issues in preparation for meeting w/ Julia. Concerns re: Global Gaming matter. Confs. Related to Pullman litigation hearing.
9.10 hrs.

February 24, 2009 (Tuesday)

call to Wayne Byrd to see if he, if Dallas/Bradley intend to cooperate with taxes as they said they would last week. No response. Conf. w/ Llevenson & David Bell about possibility of family purchasing the Beech Island Propt. In foundation or other museum-type purchase in accordance with proposal in February 2008 Order; he said family satisfied w/ S.C. State exhibit; t/c w/ Jan Warner re: discovery, who represents Cannon in the claim; possible scheduling Order; whether a GAL is needed bec. of Cannon's incarceration; other issues; prepare and send proposed Scheduling Order for JB to review and to send to Warner, Byrd; t/c w/ Keith Babcock to see if still willing to proceed w/ stipulated facts, court decision in stead of trial if no other parties demand cross examination; attempt to reach R. Peeples to propose the same procedure for his claim; conf. w/ counsel and work on matters we need to have hear in March, including scheduling Orders in the various cases; rec/rev multiple corresp. Re: scheduling conf. To be held today or tomorrow; scheduled for tomorrow; work w/ RLB, Jr and JB on matters to be heard March 4 -6; conf.w/ David Bell re: does he still support the Estate/Trust on the issues related to TR Hynie.
8.90 hrs.

February 25, 2009 (Wednesday)

Work on various matters related to Estate/Trust; rec/ transcripts from IRS. Rec. Copyright info. Travel to Beech Island to meet plumber and conf. w/ rep. of South Carolina Archives and History re: potential for Museum Purchase with family involvement for house. Numerous conferences with plumber who fixes 11 leaks in roof of Beech Island; reported that the leaks result from failure of the pipes, which are configured in unfortunate manner, unable to drain, as Mr. Washington has done, causing them to burst in freezing weather despite insulation. Conference with RLB, Jr. and counsel to begin work on possible transition to SA/S Trustee.
11.00 hrs.

Feb. 26, 2009 (Thursday)

Attending CLE, G'vlle. Brief conversations, document review.
0.50 hrs.

February 27, 2009 (Friday)

work w/ counsel, Emergency Motion for Appointment of SA/ST; corresp. Re: subpoenas, Request that Levenson provide videotape he agreed to provide when family videotaped house in January; miscellaneous clearance

matters, rec/rev. docs, corresp., pleadings.
10.00 hrs.

February 28, 2009 (Saturday)

work on facts, etc. related to need for emergency appt. of SA/ST to have complete authority to oversee protection of James Brown assets so that attacks by "settling" parties intended to force settlement.
4.25 hrs.

March 2, 2009 (Monday)

Work on numerous matters related to emergency need for protection of Estate/Trust assets, objections to Agenda, etc,
10.00 hrs.

March 3, 2009 (Tuesday)
Work with counsel on various matters related to McMaster vs. Dallas appeal, including amended notice; matters related to Cannon appeal; and matters related to emergency need for Appointment of Special Administrator; prepare for hearing on March 4 in McMaster vs. Dallas in which some parties ask Court to approve purported "settlement" among certain interested parties. Mtg. w/ RLB, Jr. Call from counsel J. Gilreath re: contact by L. Levenson.
9.50 hrs.

March 4, 2009 (Wednesday)

Travel to Aiken to attend hearing in McMaster vs. Dallas which Daryl, Terry, Larry, Deanna, Yamma, Vanisha and Tonya Brown and certain adult grandchildren ask the Court to approve a purported "settlement"among some successors to Mr. Brown, but which has still not been reduced to writing or signed by the parties. Testify all day. Home. Reviewing records and documents re: questions asked. RLB, Jr. holding Federal Court and unable to attend.
11.00 hrs.

Note: Jg. Early issues Order related to jurisdiction in McMaster v. Dallas.

March 5, 2009 (Thursday)

Travel to Aiken for second full day of McMaster vs. Dallas hearing on approval of purported "settlement"among some successors to Mr. Brown. Testified all day. Brief meeting with RLB, Jr., counsel.
11.00 hrs.

March 6, 2009 (Friday)

Travel to Aiken for third day of McMaster vs. Dallas hearing on approval of purported "settlement" among some successors to Mr. Brown. Testified: Russell Bauknight; RLB, Jr. Attempted to have Court hear emergency

motion for appointment of SA/ST. Begin consideration of how to present Directed Verdict/Dismissal issues to Court at conclusion of Plaintiffs' case. Conf. w/ J. Gilreath re: hearing, matters in MS, Dallas/Bradley case. Work on clearances issues.
11.00 hrs.

March 7, 2009 (Saturday)

Reviewing pleadings, records and documents presented at hearing; Reviewing Orders issued by Court from November 20, 2007 through March 6, 2009; work on possible budget issues for SA/ST.
4.85 hrs.

March 8, 2009 (Sunday)

Reviewing documents, records and Orders related to proposed purported "settlement".
1.75 hrs.

March 9, 2009 (Monday)

Brief t/c w/ RLB, Jr. to establish procedure to try to avoid meetings and conferences until he completes testimony unless delay is too long. Estab. Procedure for clearances, etc. Conf. w/ J. Bailey re: same. Conf. w/ J. Goodlett re: IRS transcripts of JBE, Inc. and his recent receipt of file of JB for pre-death years, as well as JBE, Inc; Scheduled meeting to discuss, go over documents; conf. w/ accountant Sellars, as with Goodlett, re: how to prepare returns for 2007 w/o penalties of perjury and with full and complete disclosure to taxing authorities where Cannon, Dallas & Bradley have refused to provide information which they gathered during period; assert that all assets are in the Trust, and not in the Estate; and assert that they are still serving as Trustees; corresp. w/ various reps. Re: clearances; rec/rev. M&T Bank; corresp. w/ A. Medlin to confirm our conversation of Friday March 6 that Bill Shearer, who is with Powell Goldstein, the law firm suing in Federal Court to prevent the Trust from acting, and to return Cannon, Dallas &Bradley, is now representing Terry Brown as a "settling" party in his tax planning to try to obtain Right of First Refusal which PR/Trustees assert will further damage the Estate/Trust and will result in additional loss to Mr. Brown's Education Trusts. Letter to Professor Lee-Fort Tritt to ask to discuss Mr. Brown's royalty issues with him prior to next hearing; Work on due diligence issues; rec/reviewing correspondence and messages from when in Court March 4- 6; conf. w/ Ellen Zisholtz of S. C. State about JB Exhibit, related matters, including possibility of archiving other items; review facts, law on issues related to pretermitted children, charitable deduction, prohibited transactions, etc. C/w J. Gilreath re: possible mediation w/ Morgan Stanley, delay in mediation schedule.
9.10 hrs.

March 10, 2009 (Tuesday)

conference with counsel about emergency issues, including inability to protect assets; conf. w/ Mr. Washington about taking all precautions to reduce costs of upkeep; rec/rev. and respond to email from Professor Tritt; conf. w/ counsel re: motion to alter, amend Order of 4th and oral order from bench consolidating cases for consideration of settlement; work on motion; lengthy conference w/ L. Fridie who provided information from his perspective. Purpose: to propose that certain songs JB made with Derek Monk be published with split 1/3

to Monk, 1/3 to Estate, and 1/3 to a museum which he said Mr. Brown wanted. Mr. Fridie says that Mr. Brown saw museum in Seattle and wanted similar one in Augusta. Referred to songs published before death of Mr. Brown, and Mr. Fridie said Mr. Monk was not paid for those. Advised him that I made no decision w/o RLB, Jr., and had not spoken to him today; asked that he send agreement which he said Mr. Brown had w/ Monk. Gave fax #. Sent memo to AG & others asking for input, thoughts, info. Re: topic. Conf. w/ H. Ruff and D. Foley about review of estate tax issues related to JB. Research, tax and other issues; rec/ responding to clearance requests.
10.00 hrs.

March 11, 2009 (Wednesday)

Rec/rev documents, corresp.work on numerous Estate/Trust matters, including preparing for an meeting w/ IRS agent Goodlett, to go over 1999 - 2007 matter for JB, JBE, Inc. and entities, and review our request for help in sorting out matters as per our corresp. w/ IRS, SCDOR of December 11, 2007; he will get technical assistance and report back. Rec/Rev documents, corresp.; research regarding Charitable, related issues; corresp. w/ Attorney General re: Tax concerns, related issues. Receiving Confs. w/ RLB, Jr. on return from Florence. Work on various matters in connection with presentation to Court of damage proposed "settlement" will cause Estate/Trust of James Brown and his desire to dedicate most of his assets for education.
8.90 hrs.

Note: Jg. Early issues Order Denying Motion to Recuse in McMaster v. Dallas.

March 12, 2009 (Thursday)

c/w RLB, Jr. En route to and on return from Florence re: clearances, numerous other matters; attempt to reach L. Levenson by phone and write ltr. w/ RLB, Jr. re: sale or occupancy of Levenson clients – need for immediate response; work w/ counsel on motion to alter or amend Order of March 4, Amended Order of March 4, and Order from bench of March 6 in which Court consolidated Case 122 and Case 872 with McMaster v. Dallas, without discovery, hearing motions to dismiss, etc. Rec/ phone call and Order re: successful conclusion of Pullman Group litigation in NY App. Ct. Review documents to consider next step to deal with now substantially reduced claim, but with remaining issues; review of docs., order, etc. in consolidated case. Rec/rev proposed Order denying reconsid., McMaster v. Dallas appt. of R. Bauknight. Conferences w/ counsel.
9.60 hrs.

March 13, 2009 (Friday)

Reviewing files and pleadings, all cases; rec/rev. corresp. among counsel, Memorandum with non-verified opinions; conf. w/ Jay Ross re: Pay-per-issue and issue related to Ed Sullivan Show contract in which asserts reserved 4 minutes of time for future use. Discussed his drafting potential later Will which Mr. Brown did not sign. Review Dewain Herring file documents showing that JB worked on Trust, etc. from 1997. Consistent w/ what Mr. Fridie said; Letter to Global Gaming, re: concern that machines not in place within 18 month period . Requested conference. Attempt to call R. Gonzalez to discuss Pay-per-view issue, T/C w/ Ross; Corresp. w/ L. Levenson re: failure to respond to our requests re purchase of Beech Island; work on analysis of Income 1999-2008 to get ready for next meeting w/ IRS. Rec/approve clearances; review contracts w/ Carlin, due diligence.

Corresp. w/ Advisory Board to request that they continue to serve for additional 6 months.
9.50 hrs.

March 14, 2009 (Saturday)

Further due diligence related to Mr. Brown's Will and Trust, charitable issues.
2.80 hrs.

March 15, 2009 (Sunday)

Research and review of records, data re: Will, including records related to July 2000 overseas trip which was cut short. Review ltrs. to Jeff Allen confirming Mr. Brown asked that the trip be only 10 performance dates, rather than the 14 Allen attempting to book, & that Mr. Brown said he would cancel if not reduced to 10. Followup ltr. from Mr. Brown to Allen associate in August confirmed disappointment w/ Allen and Mr. B's desire not to work with him again. Reviewing documents and filings.
5.30 hrs.

March 16, 2009 (Monday)

Confs. w/ RLB, Jr. and counsel re: various matters. Corresp. w/ L. Levenson to encourage clients to purchase Beech Island. Corresp. w/ Global Gaming over failure to implement sales, etc. w/in 18-month period as provided in contract. Scheduling meeting for this week. Rec/rev. clearances; rec/rev. corresp. re: various Court matters, including Court of Appeals (Cannon), others. Preparing for weekly meeting with RLB, Jr., meeting w/ JB. Corresp. w/ Attorney General to encourage his supporting our trying to require family to buy Beech Island so that holding it will not jeopardize qualification of Trust. Further review of documents, correspondence. Corresp. w/ M&T Bank re: Royalty Note: issues. Issues related to "excluded assets" under bond indenture; review of bond indenture.
10.50 hrs.

March 17, 2009 (Tuesday)

Conf. w/ W/C rep. Re: game ad on TV, 2 wks, tomorrow; confs. w/ RLB, Jr. Re: same; Prepare for travel and travel to Aiken for weekly meeting; telephone conference w/ JB, RLB, Jr., and Jill and Mike of Global Gaming re: our right to terminate contract, and their desire to keep going, plus troubles they have had within organization, and prospects they have for success in near future, etc. We are reserving right to cancel, but scheduled monthly meetings. Work on issues related to notice from "settling" parties that they will not have a signed written agreement by Wednesday. Asked Court for permission to wait until following Monday, March 23rd at Noon. Mentioned Terry. Did not mention F. Brown as "settling" party. Rec., beg. Review of Privilege box, as provided by David Michel to J. Bailey. Discuss whether, under emergency plan, need to seal house, cut off electricity, etc. Review IRS transcripts.
11.00 hrs.

March 18, 2009 (Wednesday)

Confs re: possible settlement of CORBIS litigation and contract with GreenLight for exploitation of image/persona as part of settlement. Review of various documents and agreements in relation to settlement; Conf. And corresp. w/ M& T Bank re: Bond issues, related matters; Corresp. Related to game approved at some time since death, inquiry to find out how approved. Rec/ reviewing clearances; confs. w/ Bob re: same; and conferences and correspondence re: various matters for hearing on Wednesday. Review again Herring / Privilege Box. Conference wi Jay Ross re: work with Mr. Brown during 90s, 2000, etc. Preparation of draft will.
11.00 hrs.

March 19, 2009 (Thursday)

Further work on possibility of CORBIS settlement, exploitation of publicity rights by GreenLight, including conf. w/ our counsel and their counsel that we are unsure of what contracts are out there. Language of settlement must include this. Receive letter from R. Rosen accusing us of damaging Estate/Trust and again asking us to do nothing and resign. Work w/ RLB, Jr. On response, with particular attention to wasteful and disrespectful manner in which James II DNA has been handled. Could have been done a year ago with privacy, respect and finality. Corresp. W/ Attorney General and others re: concerns that family members are trying to devalue assets in order to further deprive the Estate/Trust of its assets. Conference with Julia, re: continued due diligence on copyrights, including initial consideration of issues related to 1993/1994 agreements. Continued review of privilege box, finalized.
10.50 hrs.

March 20, 2009 (Friday)

Work on CORBIS Settlement Proposal. Preparing for hearing on 25th and 26th.
10.00 hrs.

March 21, 2009 (Saturday)

Reviewing 4-box file of Leon Friedman, including file on suit of Deanna Yamma Publishing, other matters in which JB involved during 1990s, 2000s. Details re: Pullman matters.
8.25 hrs.

March 22, 2009 (Sunday)

Work on CORBIS Settlement Proposal issues, possible settlement, all issues;
1.25 hrs.

March 23, 2009 (Monday)

Work on CORBIS Settlement Proposal and opportunity for 2-year GreenLight Contract; Review Friedman docs; review Gold docs, other docs. Prepare for hearing.
10.00 hrs.

March 24, 2009 (Tuesday)

Work with counsel to prepare and present Summons and Complaint for Approval of CORBIS Settlement which will give Estate/Trust valuable exposure through 2-year contract w/ GreenLight. Contact AG to advise of settlement, request quick approval. Filed pleading, and hand-served AG in hopes of getting consideration at hearing on 25th.
10.50 hrs.

March 25, 2009 (Wednesday)

Travel to Aiken for continuation of hearing related to proposal of certain parties to transfer up to 70% of "I Feel" Good Trust away from education trusts and to "family", taxes, and their counsel. Rec/rev. corresp. Rec/d call from Gloria Daniel, companion of JB, re: TRHB issues, other info.
11.00 hrs.

March 26, 2009 (Thursday)

Travel to Aiken to testify against settlement which gives approximately 70% of Estate/Trust to unintended beneficiaries; conf. AM w/ Harley Ruff re: loss of charitable deduction and status.
11.00 hrs.

March 27, 2009 (Friday)

Confs. and corresp. Re: AG's failure to support CORBIS settlement. Insistence that wait 30 days. Work on issues related to upcoming continuation of hearing, clearances, etc.
8.50 hrs.

March 28, 2009 (Saturday)

Review of March 26 filing and related matters. Work on various possibilities for settlement.
8.75 hrs.

March 29, 2009 (Sunday)

Preparing for continuation of hearing; work on possibility for settlement of $10 Million claim of Dallas/Bradley, possible Settlement terms.
1.75 hrs.

March 30, 2009 (Monday)

Work on possibility of settlement of $10 Million Cannon/Dallas claim and related matters; Travel to Greenville to meet w/ Mr. Gilreath; work on proposals, documents. Receive docs from IRS re: audit issues, matters to be presented to IRS in connection with audit.
8.25 hrs.

March 31, 2009 (Tuesday)

Work on various matters and travel to Aiken for weekly meeting with RLB, Jr., Also meet w/ JB. Preparing and reviewing and revising Offer of Compromise to present to parties; confs. Re: possible settlement of Lewis & Babcock claim. Work with counsel on request related to IRS, Estate Tax audit, other matters; review settlement proposal related to Dallas/Bradley claim, etc. Transmit March 26 document to IRS with letter requesting extension to respond.
10.00 hrs.

April 1, 2009 (Wednesday)

Work on communications related to IRS audit; hearing to be conducted on April 6; conf. w/ Harley Ruff; corresp. w/ AG re: request for his tax people to work with us on responses to IRS; Offer of Compromise in Brown transmitted. Preparing further objection to hearing, etc.
9.10 hrs.

April 2, 2009 (Thursday)

Work with counsel on objections to March 26 Agreement and issues raised by that filing and March 31 request for appointment of Bauknight as PR and Trustee of the 2000 Trust, in addition to being Trustee of the Charitable Trust to be formed by the AG under the March 26 Agreement [5(b)]; work w/ RLB, Jr. on various issues, including Affidavit and other issues; conf. w/ Harley Ruff re: opinion related to Legacy Trust and Right of First Refusal; Work with counsel on objection and memorandum related to March 26 Agreement, Estate Tax issues, CORBIS issues, Bauknight conflicts, and other issues. Rec/rev. ltr. from Art Gold to AG McMaster re: need to go forward with settlement in CORBIS. Rec/rev. email from Alan Rothschild re: copyright issues. Conference with RLB, Jr. and Mr. Washington re: leak at house. Temporary solution proposed.
9.25 hrs.

April 3, 2009 (Friday)

prepare for hearing to be held in McMaster v. Dallas; further review and study of March 26 Agreement and problems it will cause; meeting with counsel; review tax problems caused by March 26 Agreement and numerous other matters; work on appeal issues.
7.25 hrs.

April 4, 2009 (Saturday)

preparing for hearing.
4.75 hrs.

April 5, 2009 (Sunday)

preparing for hearing.
3.50 hrs.

April 6, 2009 (Monday)

Travel to Aiken; meet w/ Harley Ruff prior to hearing; attend hearing on proposed approval of March 26 Agreement and proposed sale of Beech Island; testimony of Harley Ruff; Russell Bauknight; closing arguments; meeting with counsel after hearing.
12.00 hrs.

April 7, 2009 (Tuesday)

Rec/rev. clearance, other correspondence; review copyright issues; reviewing records in cases; conf. w/ M. Ballenger re: Pullman has moved for leave to Appeal Pullman, New York Case. First of 2 possible steps, second, if motion denied, like cert. Review of documents and records. Reviewing correspondence, pleandings, clearnaces, other matters received in absence.
9.50 hrs.

April 8, 2009 (Wednesday)

Work on various matters related to March 23 Documents; travel to Aiken for depositions in Wells claim of Pope and Buchanan; meeting with J. Bailey and RLB, Jr. After depositions re: various matters related to Estate/Trust; review transcript of earlier hearing in McMaster v. Dallas;
10.50 hrs.

April 9, 2009 (Thursday)

Work on matters related to CORBIS settlement, and need to preserve and enhance value of Publicity rights; reviewing documents from suit filed in Northern District of Illinois, served today without summons; conf. W/ Mr. Gold about our efforts to have settlement approved as soon as possible; conferences w/ counsel Hayes and others re; supplemental documents to be placed in Cannon record on appeal and providing same, getting one from Lewis & Babcock; reviews affidavit of Albert H. Dallas, Roosevelt Johnson, etc.; reviewing requests of IRS related to Estate Tax;various conferences with RLB, Jr. Re: content of CORBIS settlement affidavit, other matters; receipt and review, various bills, communications, etc; Rec. corresp. from Levenson that Deanna, his clients, will not make offer on house. Rec., initial review of outline of Jg. Early for memorandum, proposed Orders in relations to proposed "settlement" among some parties.
7.25 hrs.

April 10, 2009 (Friday)

Confs.w/ RLB, Jr. throughout day; correspondence and conferences re: service and failure of Plaintiff in latest lawsuit filed by Jacque Hollander to have summons attached to either filed document, including review of Affidavit of Albert "Buddy" Dallas; attempt to call Wayne Byrd re: tax issues raised on IRS Audit; Letter and Affidavit to Atty. Gen. McMaster to encourage agreement to approve CORBIS settlement. Rec. unsolicited call from Ms Daniels. Presenting information to confirm need for quick approval of Corbis GreenLight settlement; benefit to Estate/Trust and no downside if parties ultimately settle other matters. Note: that Hollander placed Dallas-created, post-death Schedule B to copy of Trust submitted in her lawsuit; Review of additional affidavits

covering same; Correspondence with Atty. Gen. McMaster to express again urgency of plan for Beech Island, which cannot be maintained and was ordered to be sold in February, 2008. Refusal of family to purchase despite easy terms to obtain; Confs. Re: refusal of attorney Levenson to send video duplication rights to which, by agreement, belong to Estate, and which he agreed to send; and which he has refused to send even though requested 4 times or more. Rec/rev fax from Toby Byron this a.m.asserting William Morris Agency made direct contact with him re: possible use of image in Ale ad. Fax ltr. to Wm. Morris reminding them of our Ltr. of April 17, 2008 where T. Byron, under purported authority of B. Dallas from Nov. 15, 2008 had procured contract for William Morris. Embarassing to them. In addition to fax, attempted to call Susan Weaving, Wm. Morris contact in last Byron unauthorized action. She out for holidays. Talked to Scott, assistant to Ms. Weaving. He received fax, said he came after last April 17; will transmit message to Susan on Monday that we want our relationship to be positive. Review attorneys' fees approved by PR/Trustees to date, relationships. Research and discussions re: format for responses requested by Jg. Early. for legal memorandum/proposed Order. Correspondence with Attorney General, IRS H. Carter and others re: need to respond to questions on IRS audit of Estate Tax Return. Attempt to get information from Dallas and Bradley through Wayne Byrd for pre-death and first year of Estate both for Estate Tax Return, as requested by IRS, and for Forms 1041, Estate's Income Tax Returns.
9.50 hrs.

April 11, 2009 (Saturday)

Review of Friedman and other files, review of all issues which Jg. Early asked parties to address in outline for memoranda, proposed Orders in McMaster v. Dallas. Review of Role of Attorney General in litigation involving Private Charitable Trust, including precedent for putting himself in charge of Trust in derogation of provisions of Settlor. Review of Elliot Spitzer State of New York Ethics Ruling, 2006 re: right of Elliot Spitzer to serve on board of his family's private foundation where he was 1 of 4 Trustees, with a 1/8 vote on investments; he made no contribution to the fund; and his office as AG was required to have the following strict rule: If any criminal matter was raised with respect to the Family Trust, a special AG had to be appointed and Spitzer could have nothing to do with it; If any question arose related to the qualification, Spitzer was immediately required to refer it to the IRS. Review of transcript of January hearing, other documents, records.
7.80 hrs.

April 12, 2009 (Sunday)

Continued review of cases, files, records related to documents to be submitted to Court on April 14. Review of Interrogatory Answers, Case 872.
4.50 hrs.

April 13, 2009 (Monday)

Work all day on research of records, memoranda, hearings, pleading, etc. for memorandum to support our position that proposed settlement is not in the best interest of Estate/Trust
10.00 hrs.

April 14, 2009 (Tuesday)

Work on facts, law, pleadings, hearings, etc. for Memorandum.
9.00 hrs.

April 15, 2009 (Wednesday)

Work on memorandum, confs.
8.50 hrs.

April 16, 2009 (Thursday)

Work on law, facts for memorandum opposing settlement; travel to Orangeburg to view James Brown Legacy Exhibit at I. P. Stanback Museum and Planetarium, S. C. State.
8.50 hrs.

April 17, 2009 (Friday)

(St. G.-Chas.) Confs. w/ RLB,Jr. re: memorandum, proposed Order, facts, etc.
0.50 hrs.

April 18, 2009 (Saturday)

(In Charleston) Work on facts, law for memorandum.
0.85 hrs.

April 19, 2009 (Sunday)

(In Charleston) Work on facts, review documents, record, for Memorandum.
5.00 hrs.

April 20, 2009 (Monday)

Further Work, research, review of documents related to opposition to settlement; conferences w/ counsel; others Re: numerous legal, factual issues.
9.50 hrs.

April 21, 2009 (Tuesday)

Rec/rev correspondence; work on law, facts, memorandum re: our position in opposition to settlement proposed by "settling" parties; rec/review info from extern.
10.00 hrs.

April 22, 2009 (Wednesday)

Continued work on facts, law, documents, records, etc. re: Brief/memorandum in opposition to proposed

Settlement which is inconsistent w/ Estate Plan of James Brown; Work on proposed Brief and related matters; conferences with RLB, Jr. And others re: Hollander suit, clearance matters, facts, law related to request of Jg. for proposed orders/briefs; conf. w/ Rep., Ct. Appeals, re: Cannon Oral Arguments; conf. w/ J. Gilreath re: Morgan Stanley case, mediation, new findings in bank records produced by Morgan Stanley; meetings w/ counsel. Rec/Rev motion to dismiss of Attorney General in CORBIS Settlement matter.
10.00 hrs.

April 23, 2009 (Thursday)

Numerous telephone meetings w/ RLB, Jr; Work with counsel Hayes on facts and legal issues related to prevention of proposed "settlement" which would jeopardize Estate Taxes, qualification of "I Feel Good" Trust; and damage Trust/Estate; review w/ counsel wording of order, facts, etc. Brief of Trustee/PR s opposing approval of settlement and related proposed Order were served today. Reviewed drafts and final in entirety w/ counsel. Respond to email of T. Byron related to beer commercial.
11.00 hrs.

April 24, 2009 (Friday)

Continued final work with counsel on Memorandum and Order to be submitted to Court in connection with attempts by non-beneficiaries and AG to transfer 65% of Trust/Estate away from intended beneficiaries. Receiving and reviewing Memorandum and Proposed Order of "settling" parties; conference with Ray Gonzalez re: issue of Beer ad raised by Toby Byron, and whether this should be considered as part of overall plan by GreenLight if contract approved. Call to A. Gold re: CORBIS/GreenLight settlement matter and Illinois matter.
10.50 hrs.

April 25, 2009 (Saturday)

Continued review of Memorandum and Proposed Order of "settling" parties in McMaster v. Dallas; review of CORBIS Pleadings, our work to enhance Publicity Rights from beginning; issues b/ween Nov. - March with Intrigue/Copsidas and termination of contract w/ Intrigue. Review of issues related to emergency motion for sale of house and refusal of family to purchase.

5.50 hrs.

April 26, 2009 (Sunday)

Continued work on CORBIS/GreenLight matters and Beech Island Home Estate sale issues.
4.25 hrs.

April 27, 2009 (Monday)

Meeting with RLB, Jr., Columbia, weekly meeting; review, revise and finalize Affidavits in support of CORBIS Setltement and Sale of Beech Island; Meetings with T. Hayes re: CORBIS, Beech Island sale; and Summary Judgment and Errata Sheet issues, McMaster v. Dallas; telephone conference with Professor Einhorn re: not

ready to engage anyone for valuation because of removal for cause motion, etc.; telephone conf. w/, and engaging attorney Gold re: special appearance in Illinois Suit on which we were not served with Summons. Rec/rev. corresp.
9.75 hrs.

April 28, 2009 (Tuesday)

Meeting w/ T. Hayes and confs. w/ RLB, Jr. re: sale of Beech Island, emergency condition; likelihood of having to terminate Mr. Washington by middle of May, and try to place additional items in museums, etc.; work with counsel on service of affidavit re: refusal of Levenson clients or "settling" parties to purchase Beech Island; Importance of approving CORBIS settlement; conferences with Illinois counsel re: CORBIS settlement, GreenLight, etc.; rec/rev info re: Hollander suit; work with counsel, RLB, Jr. on matters to be included in Errata sheet, motion for Summary Judgment related to matters raised in March 26 Document and Memorandum of "Settling" Parties. Rec/rev. clearance.
9.50 hrs.

April 29, 2009 (Wednesday)

Meeting w/ accountant re: quarterly reports; update; rec/rev. corresp., re: various matters.confs. w/ RLB, Jr. re: CORBIS, other matters.
2.85 hrs.

April 30, 2009 (Thursday)

AJP In Charleston.
0.00

May 1, 2009 (Friday)

Receiving and reviewing request for hearing on CORBIS Settlement matter; confs. w/ counsel, RLB, Jr., others re: need for approval of settlement; work on documents related to settlement; Rec/Reviewing Machine Group Proposal.
4.50 hrs.

May 2, 2009 (Saturday)

Reviewing documents; work on affidavit re: approval of CORBIS settlement.
2.15 hrs.

May 3, 2009 (Sunday)

work on matters related to CORBIS Settlement, approval of Beech Island sale; review documents and files re: Publicity matters.
5.50 hrs.

May 4, 2009 (Monday)

Preparing response, request for additional information from Machine Group, re: proposal; preparing for meeting and meeting w/ RLB, Jr.; During meeting, telephone conference with M. Dreitzer, GG re: progress on GG contract; will send written followup. Further work on affidavit and support for immediate Order, or in alternative, expedited hearing on CORBIS/GreenLight settlement/agreement. Conf. w/ Mr. Gilreath re: class action suits within period Morgan Stanley had account in JBE, Inc. Name. Rec/rev. clearance requests for songs, exercise video, other. Approved w/ RLB, Jr.
10.10 hrs.

May 5, 2009 (Tuesday)

Continued work on matters related to Cannon appeal.
5.25 hrs.

May 6, 2009 (Wednesday)

Cannon appeal, CORBIS matters.
4 .75 hrs.

May 7, 2009 (Thursday)

Work on various matters related to Cannon appeal, clearance, CORBIS, Morgan Stanley. Rec/rev documents, discovery; work.
7.10 hrs.

May 8, 2009 (Friday)

Meeting w/ counsel, Cannon matters; IRS matters; clearance matters and issues.
5.50 hrs.

May 11, 2009 (Monday)

Work w/ counsel Cannon matters; royalty review and work; clearance issues; conferences, corresp.
6.75 hrs.

May 12, 2009 (Tuesday)

RLB, Jr. In Florence. Meetings w/ counsel and others, Cannon appeal. Attend oral arguments for Cannon appeal.
5.50 hrs.

May 13, 2009 (Wednesday)

Brown meeting p.m. CORBIS Affidavits out.
4.10 hrs.

May 14, 2009 (Thursday)

Morgan Stanley issues, documents; review for mediation; CORBIS settlement matters.

3.50 hrs.

May 15, 2009 (Friday)

CORBIS, Hollander, mediation matters.
4.50 hrs.

May 16, 2009 (Saturday)

Study, work on issues related to hearing, transition.
1.10 hrs.

May 17, 2009 (Sunday)

Work on issues related to hearing, transition.
1.25 hrs.

May 18, 2009 (Monday)

Travel to Aiken to meet with RLB, Jr., J. Bailey; work on various matters related to hearing on May 27; conf. w/ Art Gold re: Hollander matter; rec/review royalty reports; work on update of accounting, royalties.
7.80 hrs.

May 19, 2009 (Tuesday)

conferences and correspondence, review documents related to the Morgan Stanley upcoming mediation; work on accounting to Probate Court for 1st 18 months of service as PR/ Trustees.
5.75 hrs.

May 20, 2009 (Wednesday)

Travel to Aiken, to Probate Court, final work with RLB, Jr. on Accounting 1A. Filing same with Probate Court; conferences and correspondence. Issues related to failure of Court to approve house sale. Work on CORBIS matters.
7.20 hrs.

May 21, 2009 (Thursday)

Work on Plan of Succession and Proposal for Resignation; Conf. w R. Gonzalez, Xavier Starkes and Ronald Stanley re: possible service as Successor (3d Trustee). Gonzalez and Stanley willing to have name placed, subject to further study if and when appointment becomes likely; work on issues related to accounting, finances.

8.70 hrs.

May 22, 2009 (Friday)

Aiken Work with RLB,. Jr. various Estate Administration matters; filing and service of Request for Probate Court Rulings on various matters related to our obligations with respect to the Estate/Trust beneficiaries, Estate Plan and substituted judgment of the AG.
9.10 hrs.

May 23, 2009 (Saturday)

Preparing for approval of CORBIS settlement, including review and work on response to attempts to intervene and stop beneficial sale, negative financial impact on Estate/Trust's ability to function.
3.25 hrs.

May 26, 2009 (Tuesday)

Receive/ review Order re: Approval of Agreement among Some Individuals. Study impact of Order on our obligation to defend the Estate Plan of James Brown as embodied in his Will; conferences re: proper protection of Beech Island, termination of service of Mr. Washington; Consider obligations to Estate in light of Order. Evening: receive, begin response to request to R. Bauknight Rec/rev call from Art Gold re: correspondence, and then cancellation at request of AG of CORBIS GreenLight hearing. Rec call from Leonard McIntyre
9.75 hrs.

Note: Jg. Early issues Order Approving Settlement Agreement.

NOTE: The following, some of the Transition Items (May 27 - June 24), were not included in the time calculations:

May 27, 2009 (Wednesday)

TRANSITION - Preparing, without prejudice, detailed response to Request of Russell Bauknight to make files and records immediately available despite objections to Order; rec. call from E. Zisholz re: future of assets at SC State Stanback Museum, which remain until December; rec and forward to R. Bauknight clearance requests; destroy 1-signature checks and deliver checkbook, with caveats. Suggest no additional funds deposited to SF account. Advised of class action matters overlooked by Cannon, Dallas, and sent information for 1 claim to be filed still pending; Letter requests Bauknight to immediately notify IRS re: status of settlement, change in full Charitable claim previously taken. Notified Bauknight of Stipulation and Hammond opinion of March 2007.

Rec call from M. Ballenger. Confirmed had given name, etc. to R. Bauknight in 1st letter. Gave Bauknight contact info.; rec call from T. Parham, counsel for USC, A. Carmichael.Inventory and deliver Est. Tax Return; regular bills box; clearance docs; Morgan Stanley; CORBIS/GreenLight and Tax information, including box of tax documents and records to facilitate. 2 Letters. Confs. w/ RLB, Jr.
6.25 hrs.

May 29, 2009 (Thursday)
TRANSITION - prepare boxes and files for delivery to Mr. Bauknight, along with checkbook, etc.

June 3, 2009 (Tuesday)

TRANSITION - Travel to Aiken to meet with RLB, Jr., Mr. Bauknight, Mr. Kingsmore re: transition issues. Encouraged them to immediately finalize the CORBIS/GreenLight matter as in the best interest of the Estate, explained $1 Million or greater likely annual loss for delay in approval of publicity contract which should have been in place on May 1; discussed issue that "Right of First Refusal" of Terry Brown, even if valid, not applicable until items placed in "Legacy Trust" after assets pass from Estate, which would be after provision for Debts, taxes and expenses of administration and provision for Non-Settling Parties' protection; discussed global gaming; issues of agreement, disagreement; intent to cooperate with his temporary management, without prejudice to our position that he has irreconcilable conflict and other issues, where consistent with Order and our duties under the documents, law, during appeal
4.00 hrs.

June 4, 2009 (Wednesday)

TRANSITION - Review of files to help with transition; receive, review and transmit number of communications, emails; begin memo to R. Bauknight of items which need his immediate and continuing attention, such as GG, CORBIS/GreenLight.
5.25 hrs.

June 5, 2009 (Thursday)

TRANSITION - Work w/ staff re: organization of file needed by all for appeal, etc. so easily available to Mr. Bauknight; rec/transmit correspondence, etc. to Bauk.; conferences and correspondence with Mr. Few, Gilreath re: Suit filed by Universal Attractions ag. Mr. Brown; relationship of Mr. Brown to Jeff Allen, Jay Ross; Mr. Brown's termination of Jeff Allen in August of 2000; and friendship of Mr. Allen to Mr. Lizzio. Correspondence w/ Mr. Bauk. re; his desire to review files on Tuesday, numerous matters we discussed on Tuesday.
7.25 hrs.

June 6, 2009 (Friday)

TRANSITION - review email and respond to Kraig Fox; respond, other emails; confs. w/ RLB, Jr., Messrs. Few & Gilreath re: direction by Mr. Bauknight, through D. Black that counsel for the Estate/Trust no discuss confidential matters with us. [See Exhibit A]
1.25 hrs.

June 8, 2009 (Monday)

TRANSITION - Corrrespondence with Mr. Baukn. To raise concerns over his direction, received on June 6, that counsel in Morgan Stanley not discuss confidential matters with us. Review of records, documents and orders affected by this mandate in attempt to explain need for continued attorney-client and confidential communications. Rec/ rev. communication from Mr. B.
2.10 hrs.

June 9, 2009 (Tuesday)

TRANSITION - rec/ review Report for M&T Bank showing $2.15 MM royalty revenues during 1st ½ of 2009 (from 2008 clearances, etc.) Rec call from Ms. Houston, one of original JB s, re: how pleased with S.C. State Exhibit; Rec. Call from Gloria Daniels; Rec. Confidential call re: confidential subpoena. Need to speak to Few/Gilreath confidentially; communicated same; research re: this issue; Meeting with Mr. Bauknight, Rick Reames & RLB, Jr. to show room where files we both need during appeal located; raised concerns that purported mandate from Black inconsistent with understanding of June 2 meeting and other orders; with RLB, Jr., & D. Williams re: Forlando Federal Suit status hearing set for Thursday; Mr. Bauknight says 10 attorneys at Nexsen Pruet working on Brown matters; review w/ RLB, Jr. concerns re: confidentiality orders in various suits; Conf. w/ Mr. Gold to advise that send bill to Mr. Bauknight for Jacque Hollander suit. Although Bob and I are named individually in suit, relief sought is against Trust.
7.50 hrs.

June 10, 2009 (Wednesday)

TRANSITION - review documents to prepare for final accounting for delivery of asset management without damage to the Estate/Trust pending appeal; conference with RLB, Jr. and counsel re: need to make documents available to counsel, but retain them, for protection of Estate Plan and appeal. Research and review of issues of stay to determine best method to do same at least cost to Estate. Conf. w/ RLB, Jr., and counsel re: these issues. Concerns which need to be addressed: 1. Messrs. Few & Gilreath represent us individually in the Cannon/Dallas, as well as as PR/Trustees, because, under the contract such reprentation is incidental and pursuant to a counterclaim. 2. Because he is a Trustee for Terry Brown, Mr. Bauknight has a conflict in representing the Estate/Trust against his joint venturers, Cannon & Dallas. Trying to resolve best mechanism for getting Mr. Bauknight to go forward with the CORBIS/GreenLight contract for benefit of the Estate. Receive, respond to, and transmit to R. Bauknight inquiry from IRS Estate Tax attorney needing update.
6.25 hrs.

June 11, 2009 (Thursday)

TRANSITION - preparing memo to R. Bauknight re:need for immediate approval of CORBIS/GreenLight settlement/contract; conf. w/ Wm. Newsome & R. Bauknight (Starb.) Re: problems caused by R. Black's mandate without calling to discuss problem; need for us to work cooperatively to promote best interest of Estate/Trust during reconsideration/appeal. Attend status conf. Re: Forlando suit R. Bauk invited to join me. Jg. Bertelsman says injunctive relief moot; will hold remainder in abeyance for 6 months to see what is happening with appeal. Any party may apply sooner. We advised Jg. Bertelsman that some of the Reading

Room documents were with us and some had been transferred to R. Bauknight. He said anyone with problem could make motion.
7.25 hrs.

June 12, 2009 (Friday)

TRANSITION - Responding to June 12 fax Ltr. of Marcus Jacobs requesting information re: JBE, Inc.and asserts we have not responded to June 9 ltr., which did not arrive until after response almost complete; ;gathering additional JBE, Inc. Information for additional response.
1.25 hrs.

June 13, 2009 (Saturday)
TRANSITION:additional research for JBE, Inc. Report; rec. call Cruise Security; contact Russell Bauknight, Freddie Kingsmore.
0.75 hrs.

June 14, 2009 (Sunday)

TRANSITION: Respond to Ltr. of Jacobs who incorrectly suggested that RLB, Jr. and I directed certain action. T/c Kingsmore.
0.75 hrs.

June 16, 2009 (Tuesday)

TRANSITION: Receive and transmit to Russell for suggestions, Email from Kraig Fox; Rec/reviewing various requests for file information from Mr. Bauknight and others. Sending info. to Mr. Bauknight re: CORBIS/GreenLight Settlement; claims files, other files; rec tel conf. From Mr. Bauknight re: mtg. At 3:45 w/ Mr. Klett, RLB, Jr. Held telephone mtg. in which we reiterated our analysis of the positive value of the CORBIS/GreenLight settlement. Correspondence.
5.50 hrs.

June 17, 2009 (Wednesday)

TRANSITION: Meetings with RLB, Jr. and correspondence with R. Bauknight about numerous inquiries from his attorneys which reflect that they do not have, or are reviewing, the information previously provided to them. (Ltr. from D. Black,, 3 letters from M. Jacobs; visit & ltr. from R. Reames and t/c with C. Klett, in addition to conf. last wk. w/ B. Newsome indicate all various counsel unaware of meeting w/ F. Kingsmore and R. Bauknight and communications w/ R. Bauknight re: files, matter needing urgent attention, authorization for R. Bauknight to obtain tax documents from Wm. Sellars, etc. Correspondence w/ R. Bauknight to advise that we will be glad to meet weekly, but not efficient to respond and correct each letter from various lawyers who have not been updated.Offer to meet weekly for reasonable time to discuss matters which arise. Conf. w/ Kendall Few re: 2 Leon Friedman file boxes which were sent to RLB, Jr. by Friedman on Oct. 31, & in Reading Room for production when Jim Gilreath arranged with Morgan Stanley; as well as 4 boxes of Friedman Files which are in Kendall's office, all 4 of which contain documents important for defense of Estate Plan. At his request, sent

Kendall various items by fax, with copy to R. Bauknight. K. Few coming to review file Thursday, June 18. At R. Bauknight's request, and without prejudice, and in order to make transfer of temporary administration of Estate and Trust as smooth as possible without regard to whether a stay is in place, prepare, with F.R. 20 additional bankers boxes for pickup, with more detailed inventory and annotation to make it easier for those attempting to administer the Estate to understand and work with the files. Arranged for scanning of certain files, scanning only minimal documents based on R. Bauknight and F. Kingsmore's representation that all boxes delivered will remain available for review by RLB, Jr. and me until final decision(s). Receive call from J. Rainey inquiring & reporting Atty. General's understanding that I was paid $900,000 and have now retired. Explained to him that this was incorrect and that the attorneys' fee matter of concern should be the 10 attorneys at Nexsen Pruet by R. Bauknight, and accountant, to replace RLB, Jr. & AJP in the temporary administration of the Estate/Trust. Told him I had seen 6 of 10, but that R. Bauknight is the one who used the figure 10.
9.60 hrs.

June 19, 2009 (Friday)

TRANSITION: Work with staff and extra helpers to prepare for delivery without prejudice of additional, for total of approximately 145 boxes of files, with Inventory & Explanation of Status, to R. Bauknight.
Rec/rev. fax from R.Bauknight requesting info re: confidentiality Orders. Will address at meeting on Monday, 6:30 with RLB, Jr., to which he has been invited. Sent Draft of Receipt for Monday for Mr. Bauknight.
11.00 hrs.

June 22, 2009 (Monday)

TRANSITION: Receive email correspondence from R.Bauknight that he does not see need to meet weekly. Will call if needs to schedule meeting. Continued preparation, with staff, assistants, for transfer of file boxes for temporary administration; supplementation of Index for transfer of Custody of 145 Boxes to R. Bauknight for temporary administration. Work on Final accounting. Meetings by phone and in person with RLB, Jr. Re: various matters.
6.25 hrs.

NOTE: More than $2.1 Million in Royalties came in from January - May, 2009.

June 23, 2009 (Tuesday)

TRANSITION: Work on final accounting and Report to Probate Court (without prejudice).
2.60 hrs.

June 24, 2009 (Wednesday)

TRANSITION: Travel to Aiken to meet with RLB, Jr. to complete and file final accounting and report of transfer of assets and books and records to R. Bauknight, without prejudice; filing final accounting (with rights preserved) in Probate Court and serving same on all, as part of Motion and Affidavit for Commissions.
5.00 hrs.

Note: (June 3 -June 15) Emails from Kraig Fox re: possible exploitation or purchase by fox/Sillerman group of assets. Return email by AJP to confirm no family member could claim Finder's Fee. Fox confirmed no Finder. Sent to Bauknight with his request we follow up on this important contact. No response from Bauknight. See Fox communications attached as Exhibit A.

Exhibit A

Adele J. Pope

From: Kraig Fox [Kraig.Fox@CKX.COM]
Sent: Monday, June 15, 2009 2:13 PM
To: Adele Pope
Subject: RE: JAMES BROWN

Yes, you are correct. There is no finder.

Deanne Brown had originally gotten us interested in the assets of the estate. I took it upon myself to reach out to you because we felt that regardless of how the estate gets settled, our company is likely the best suited to maximize value for all parties involved.

I may be down you way visiting with friends the beginning of July. Please let me know if we can get together, if not, NY of course works as well.

Best

Kraig

From: Adele Pope [mailto:adele@popelawfirm.com]
Sent: Friday, June 05, 2009 8:27 AM
To: Kraig Fox
Cc: adele@popelawfirm.com
Subject: Re: JAMES BROWN

Dear Kraig:

Thank you for the note.

A State Circuit Court Order replacing Bob Buchanan and me was entered on May 26. It named as our successor Russell Bauknight. The May 26 Order is under motions for reconsideration, and faces likely appeal after reconsideration. Challenges also remain in the Court of Appeals of South Carolina and elsewhere to our original appointment. That said, Russell, Bob and I have met and I think it is fair to say that all 3 of us want to do learn about and explore everything appropriate to the protection and enhancement of the James Brown Estate/Trust while the challenges are being sorted out.

I have sent your email to Russell and Bob, and advised Russell that I would drop you a note.

Prior to the May 26th Order Bob and I had declared 2009 as the year to conduct due diligence regarding the long-term propspects for the James Brown asset, including whether sale, management or a combination was the best option.

I would very much like to talk to you, and am sure Russell would. My daughter moved to New York last month. So I expect to be there frequently. Any time you would see or talk to me, or us, would be great.

Because it could become an issue, am I correct that our original contact was you with Bob and me as Personal Representative/Trustees, and that there was no other "finder" who put us together?

Thank you again for the contact. Hope to hear from you soon.

Adele Pope
June 5,2009

<-----Original Message----->
From: Kraig Fox [Kraig.Fox@CKX.COM]
Sent: 6/3/2009 4:03:34 PM
To: adele@popelawfirm.com
Subject: Follow Up

Adele

I wanted to follow up on a conversation that we had some time ago regarding the estate of James Brown and CKX's interest in acquiring all or some of the assets and taking over operation of the assets for the interest of all stake holders.

Is this something that you are still involved in?

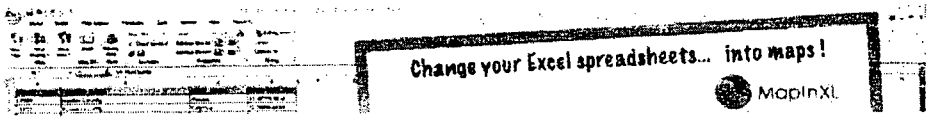
Many thanks

Kraig Fox

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Kraig G. Fox

Secretary & Executive Vice President, Chief Corp Development Officer
CKX, Inc.

ABOUT KRAIG G. FOX

Kraig G. Fox was appointed Chief Corporate Development Officer, Executive Vice President and Secretary on February 7, 2005. Prior to that, Mr. Fox was Senior Vice President at FXM, Inc. since August 2000. Mr. Fox has served as Senior Vice President of MJX Asset Management, since November 2003, and serves on the management advisory committee of FXM Asset Management. Mr. Fox was a Vice President at SFX Entertainment from December 1998 through August 2000.

PROFESSIONAL BIOGRAPHY

Organization	Position	Status
CKX, Inc.	Secretary & Executive Vice President, Chief Corp Development Officer	Current
Mjx Asset Management LLC	Senior Vice President	Current
CKX, Inc.	Officer	Former
CKX, Inc.	Secretary	Former

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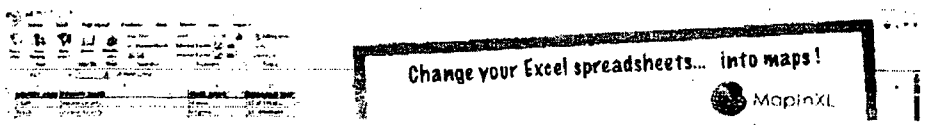
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EXHIBIT 10

Adele J. Pope, P.C.

ATTORNEY AT LAW

Certified Specialist in Estate Planning and Probate Law

1218 Taylor Street
PO Drawer 7125
Columbia, SC 29202-7125
Telephone: (803) 779-1870
Telecopier: (803) 779-1673
Email: adele@popelawfirm.com

November 21, 2007

C. Havird Jones, Jr.
Senior Assistant Attorney General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
Fax: (803) 734-3677

BY FAX OR MAIL

Re: Estate of James Brown/James Brown 2000 Irrevocable Trust

Dear Sonny:

I am in receipt of your e-mail sent at 11:15 this morning and am responding to it quickly because of the coming holidays. Bob may want to answer this separately.

I do not fully understand your position with respect to the obvious conflict, since Mr. Brown himself designated the same persons to be personal representatives and trustees, and there is incorporation by reference language in the Will. Also, whereas our obligations prior to yesterday were to oversee preservation and protection of assets, I believe, as personal representatives, we now have the obligation to support and uphold the Will and Trust, which are wholly compatible with each other and which, together, constitute Mr. Brown's known estate plan.

You asserted that "you" stated in court "that the trust is NOT an inter vivos trust". Again, Bob may want to answer this separately, but I don't recall such a statement by either of us. If it was made, it was an inadvertent error, and should be corrected on the record.

The James Brown 2000 Irrevocable Trust was clearly an inter vivos trust, into which at a very minimum, the real estate was deeded during Mr. Brown's lifetime. It has received, or by its terms will receive, what we hope will be many millions of dollars. Under the formula clause, we hope the bulk of that will go to the James Brown "I Feel Good" Trust and be dedicated to charitable purposes.

I am concerned about your assertion of a possible ethical conflict, as I take very seriously such a remark. Please let Bob and me know the basis for such an allegation, as we would want that matter fully explored in connection with any motion filed by you, and, if appropriate, ruled on by the Court.

I look forward to working with you in connection with this project. It presents many challenges, but great educational opportunity for financially needy children, youth, and young adults (who are both qualified and deserving) who seek and have need of help to obtain and further their education.

Bob and I would very much appreciate an opportunity to meet with you and Attorney General McMaster to review what we believe to be both the challenges and the great potential rewards which Mr. Brown provided. We will be glad to come to your office to meet with you and Mr. McMaster at any time that he can schedule us.

Sincerely,

Adele J. Pope

AJP:kfr
cc: (with copy of your e-mail)
The Honorable Henry Dargan McMaster
Robert L. Buchanan, Jr.
Beneficiary Review File

\\Server\data\docs\BROWN, JLTR.JONES.wpd

Adele J. Pope, P.C.

ATTORNEY AT LAW

Certified Specialist in Estate Planning and Probate Law

1218 Taylor Street
PO Drawer 7125
Columbia, SC 29202-7125
Telephone: (803) 779-1870
Telecopier: (803) 779-1673
Email: adele@popelawfirm.com

TO: C. Havird Jones, Sr., Esquire

FROM: Adele J. Pope and Robert L. Buchanan, Jr.

FAX #:803-734-3677

DATE: November 21, 2007

RE: Estate of James Brown/James Brown 2000 Irrevocable Trust

The information contained in this facsimile is attorney-privileged and may be confidential and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, please be advised that any dissemination, distribution or copying of this communication is strictly prohibited. If this communication has been received in error, please notify us by telephone and return the facsimile to us at the above address. Thank you.

Please contact Laura at 803/ 779-1870 if transmission is incomplete or illegible.

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EXHIBIT 13

212 Newberry Street NW
Aiken, South Carolina 29801

March 10, 2008

The Honorable Henry Dargan MacMaster
Attorney General for the State of South Carolina
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Fax # 803 - 734-3677

BY FAX ONLY

Re: The Estate of James Brown
The James Brown 2000 Irrevocable Trust
Our File No. 8377

Dear Attorney General MacMaster:

We understand that Sonny Jones may be meeting with you this Wednesday, March 12th, to discuss matters related to the Estate/ Trust of James Brown. We respectfully request an opportunity to also meet with you that day (Bob by telephone from Florence) to discuss an immediate opportunity that we may lose if we cannot resolve the position you are taking with respect to our service as Personal Representatives and Trustees (PR/Trustees).

We have an opportunity for what it is hoped will be a 75th Birthday Musical Television Salute to Mr. Brown which could both provide critical funding to help the Estate/Trust survive until the Christie's sale, and help provide some of the funds necessary to vigorously defend the Elective Share, Will and Trust contests. (Mr. Brown's birthday is in early May.)

Unfortunately, after our attorney has done his best, the producers will not accept a contract without our providing both assurances that we have the full authority to enter into a license agreement with respect to the name, likeness, etc., but that we will indemnity them against any challenges to the project based on our lack of authority.

As you know, the former PR/Trustees, as the Court has found, left the Estate and Trust in such bad condition that at this point we cannot with any confidence assert whether the image and persona are owned by the Estate, by the Trust, by a Brown Entity owned by either the Estate or Trust, or in combination.

[There are no funds in the Charitable Trust at this time. Only about $800 has ever been placed in the Charitable Trust (used to apply for Charitable Recognition). And the current challenges make further funding impermissible at this time. Under both the Will and the 2000 Irrevocable Trust, however, the majority of the value of Mr. Brown's assets are expected to go

We thank you for your consideration. If you are unable to meet with us this week, we hope that we will have an opportunity to do so in the future.

Sincerely,

Robert L. Buchanan, Jr.

Adele J. Pope

AJP:lwm
C. Havird Jones, Jr., Esquire
Mary Frances Jowers, Esquire

Estate of James Brown

212 Newberry Street NW
Aiken, South Carolina 29801

Robert L. Buchanan, Jr., Personal Representative Adele J. Pope, Personal Representative

June 13, 2008

The Honorable Henry Dargan McMaster
Attorney General
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
FAX: 734-3677

BY FAX AND MAIL

Re: Estate Plan of James Brown

Dear Attorney General McMaster:

Thank you for your recent meeting. We deeply regret that the Attorney General, as the principal legal officer of the State of South Carolina, has not elected to join us in the pursuit of our primary, and critical, goals for the Estate Plan of James Brown. Those are:

1. **Defend the Estate Plan of James Brown against challenges;**

2. **Defend against the Elective Share Claim;**

3. **Prevent the Return of former PR/Trustees Cannon, Dallas and Bradley;** and

4. **Avoid a fire sale of Mr. Brown's valuable royalties, image and persona,** the primary purpose of which is to put about $35 Million in the hands of Cannon, Dallas, Bradley, Greenberg Traurig [All Defendants] and Frank Copsidas, and which will expose the Estate to millions of dollars of unnecessary claims.

If we are successful in the above efforts, current available information indicates that, **within 3- 5 years, Mr. Brown, through his Estate Plan, will have provided:**

1. **Mr. Brown's personal and household effects (PHE) to certain children.** (Property or its value, less $500,000 (+/-) Estate Taxes);

2. **Non-charitable Brown Family Education Trust, $2 Million (+/-) to educate certain of Mr. Brown's grandchildren.**

3. The remainder, after debts, to **The James Brown "I Feel Good" Foundation.**

It became our duty on November 20, 2007 to defend Mr. Brown's Estate Plan. We look forward to that challenge. Our Six-Month Report, a copy of which was distributed last month, outlines our progress and challenges during the period. [Additional copy enclosed.]

As required by the Court, as Special Administrators appointed March 7, 2007, we worked with David Cannon, Buddy Dallas and Al Bradley for 5 months between our appointment and David Cannon's resignation as PR/Trustee on August 10, 2007. Thereafter, until November 20, 2007 when they resigned, we had substantial contact with Buddy Dallas and Al Bradley.

We can say unequivocally that it is in the best interest of Mr. Brown's Estate Plan, and its primary beneficiaries, the Brown Family Education Trust and the James Brown "I Feel Good" Trust, that none of David Cannon, Buddy Dallas or Al Bradley returns to any fiduciary position with Mr. Brown's Estate Plan.

We can also say unequivocally that Mr. Cannon and Mr. Dallas' proposed sale of Mr. Brown's valuable Royalties, Image and Persona under the terms of "October 18 GT Letter", if implemented, would be a humiliation to the State of South Carolina and would eviscerate Mr. Brown's Plan for the education of his own grandchildren and other needy and deserving children.

Attorney General's Support of Cannon, Dallas, Bradley and Hammond

Long after our appointment on November 20, 2007, and as recently as last week, we have become aware of how deeply the office of the Attorney General was, and continues to be, involved in actions which support or encourage the efforts of Buddy Dallas and Al Bradley to be reinstated as Trustees and bring about this Fire Sale, intended to enrich themselves and David Cannon by more than $16 Million.

Many are, quite frankly, baffled by this. We share that view. We also have the additional concern that the Attorney General, one of whose missions is the protection of South Carolina charities, is supporting efforts to defeat the funding of The James Brown "I Feel Good" Trust through actions which erode our ability to defend Mr. Brown's Estate Plan.

The Attorney General's Office and William Hammond

We are extremely troubled by the strong and continued reliance of the Attorney General on affidavits and statements of Bill Hammond in the light of his extraordinary efforts to protect David Cannon, Buddy Dallas and Phil Farr. Within the last few weeks we have received copies of emails between Bill Hammond and others, including your office. They confirm our repeated assertions that it will not advance Mr. Brown's Estate Plan or the future funding of The James

Brown "I Feel Good" Trust for the Attorney General to rely on Bill Hammond.

Mr. Hammond is a supporter and apologist for David Cannon. Hammond's longtime friend Phil Farr, is a longtime friend of Buddy Dallas. Hammond asserts in a letter to you that he chose to be a Trustee with Dallas and Bradley. All have caused damage to the Estate Plan of Mr. Brown. Cannon, Dallas, Bradley and Farr are defendants in suits brought by Mr. Brown's Estate and Trust.

Bill Hammond's Support of David Cannon

We recently acquired the September 27, 2007 email of Bill Hammond which was sent to your office. (Copy attached) It says, in part:

> **"The Hatchet job on David Cannon based solely on facts supplied by the SA's, [Buchanan and Pope] many of which are unfounded, so far has been a sight to behold."**
>
> . . .
>
> **"When he [Cannon] resigned because of a mistake and offered to pay back the amount by which he had benefitted, the other Trustees under the terms of the trust voted to replace him with me. The SA's told them they would be removed if I [Hammond] became a co-trustee."[1]**

Bill Hammond's Secret "Appointment" by Cannon, Dallas and Bradley as Trustee

After the September 27, 2007 email, Hammond communicated again with your office on November 27, 2007 to say he was looking for the papers where he was appointed Trustee. (See 11/27/07 email, attached.)

---

[1] This is particularly troublesome since the purported appointment was concealed from the Court and us until March 7, 2008. See pronouncement of Sonny Jones and cross examination of Adele Pope, 3/7/08 Transcript pp. 17, 118-119, 121-122, enclosed.

On November 15, 2007, Cannon began asserting his 5th amendment rights – which he has repeatedly asserted since. By November 20, 2007 anyone hearing the testimony, including representatives of the SC Attorney General, was aware of Cannon's problems and that it was Cannon who had done a hatchet job on the James Brown 2000 Trust.

Neither the Attorney General's Office nor Bill Hammond reported Hammond's secret appointment as Trustee to the Court or the Trust beneficiaries, even though Hammond reported to your office again on November 27, 2007 that he was looking for his appointment paper.

The secret attempted appointment of Hammond remained the secret of the SC Attorney General, the Georgia Attorney General, Dallas, Cannon, Bradley and Hammond until March 7.

Meanwhile, the SC Attorney General used affidavits of Hammond, Dallas and Bradley to assert that we were unethical.

Most troublesome is the fact that Hammond's purported appointment was concealed until March 7, 2008, when Mr. Jones raised it for the first time to help Mr. Dallas and Mr. Bradley prevent confirmation of our appointment, and be reinstated as Trustees.

The suggestion to the Court and parties on March 7, 2008 by your office was that the purported appointment of Hammond as Trustee was just discovered by Mr. Jones the night of March 6. Instead, Mr. Jones, along with Hammond, Dallas, Cannon, Bradley and Grace Lewis, had harbored this information for months until it became useful to what appears to be their joint effort to prevent anyone other than Cannon, Dallas and Bradley from being appointed.

We can see no reason why this alliance of the S.C. Attorney General in any way promotes the interest of Mr. Brown's Estate Plan and its primary beneficiary, The James Brown "I Feel Good" Trust.

David Cannon, Buddy Dallas, William Hammond and the attempted Sale of Mr. Brown's Royalties, Image and Persona

On March 26, 2007 David Cannon and Buddy Dallas urged us to approve a $26 Million sale which (we now know) would have been disastrous to Mr. Brown's Estate Plan. [See our first Quarterly Report as SA s.] We were told:

1. Joel Katz was the authority on such deals.

2. If we did not authorize the deal (with absolutely no due diligence), the offer would disappear, and it would be our fault.

At some point, the deal not to be missed became $45 Million. By October 12, 2007 it was $100 Million.

Without our knowing how deeply he was personally involved with David Cannon and Buddy Dallas, Bill Hammond in June 2007 gave us "independent advice" that we would breach our "fiduciary duty" if we did not approve Cannon, Dallas and Bradley's proposed deal. In particular:

1. Mr. Hammond asserted that the Estate/Trust was required to sell the Royalties.

2. Mr. Hammond asserted that it was a breach of fiduciary duty not to accept a sale which would net Mr. Brown's Estate/Trust only $10 Million.

3. Mr. Hammond knew Dallas, Cannon and Bradley were claiming more than $15 Million from such a sale, but was unconcerned.

4. Joel Katz was claiming about $5 Million from such a sale.

5. The Pullman Group was claiming $31 Million from such a sale.

6. Frank Copsidas was claiming about $12.5 Million from such a sale.

Again, without access to any due diligence, we were told that it was improper for us to stand in the way of the sale. [See email of Bill Hammond dtd. 6/21/07, attached]

On December 6, 2007 the Office of the Attorney General, through Sonny Jones, asked appropriate questions about the proposed "$100 Million Offer" [See Mr. Jones' email to us dated December 6, 2007, attached.] In particular, he wanted to know:

. . .

> 2. I have heard for the last 3 months that the sky will fall and the offer will go away if we do not accept it now. . . your thoughts. Also, who else is out there that can make an offer if at all
>
> 3. Are there some self serving interest w/ some of the local players in this that is causing this push
>
> 4. I was given Joe Katz in Atlanta as a person to call to get a feel if these current offer will in fact decrease in the near future. . . your thoughts on that contract

. . .

We immediately responded by phone, to inform your office about the "October 18 Letter" and its implications, as set out above.

Mr. Jones did not act on this information.

With knowledge of serious credibility issues for Cannon, Dallas, Bradley and Hammond; that Dallas, Cannon and Bradley had filed $15+ Million of claims against the Estate of James Brown on September 26, 2007; and that Cannon, Dallas and Bradley were generally known to be defendants in substantial claims by Mr. Brown's Estate and Trust, on December 10, 2007 the Attorney General relied on affidavits of Dallas, Bradley and Hammond to attack us. Those affidavits, and the Attorney General's positions since December, 2007:

1. Support the assertion that Mr. Buchanan and Mrs. Pope were unethical.

2. Ignore Cannon, Dallas and Bradley's attempts to be paid $15+ Million from the Estate, and escape liability for missing millions.

3. Ignore Bill Hammond's close association with Cannon and Farr and serious credibility issues.

4. Are being used by Forlando (William) Brown in Federal Court to attempt to reinstate Cannon, Dallas and Bradley.

5. Bolster assertions of Cannon, Dallas and Bradley, supported by Hammond, that they have done nothing wrong and are entitled to $15+ Million from Mr. Brown's Estate. [See Affidavits of Hammond, Dallas & Bradley, submitted by the AG of SC in November/December, 2007].

The Attorney General's Reported Promise to Remove Buchanan and Pope

On November 20, 2007 Dallas and Bradley resigned as PR/Trustees and officers of any James Brown Entities (except Geronimo, LLC). We were appointed.

The attempts by Cannon and Dallas to have a quick and disastrous sale of Mr. Brown's assets and pay themselves millions seemed to be brought to a close.

Then on November 26, 2007 Terry Cox gave the "JB Team" hope. He notified members of the "JB Project" team that he was assured that the **Senior Assistant Attorney General of South Carolina is preparing a motion to have (Buchanan and Pope) removed and "told me he would select a Trustee for me to work with."** [See Terry Cox email dtd. 11/26/07, attached]

Mr. Cox is working with William (Forlando) Brown, Buddy Dallas and David Cannon on "$100 Million" project.

On November 30, 2007, Dallas and Bradley sought to return as Trustees.

On December 14, 2007 the SC Attorney General, based largely on affidavits of Hammond, Dallas and Bradley sought the same result. [See emails dtd. 12/14/07]

We believe that this does not promote Mr. Brown's Estate Plan, the future funding of The James Brown "I Feel Good" Trust, or the interest of needy and deserving children.

The Attorney General's Support of Forlando (William) Brown's Attempts to Return Cannon, Dallas and Bradley as Trustees

On January 2, 2008, Forlando (William) Brown, Mr. Brown's Grandson, and business partner of Terry Cox and Buddy Dallas in the "$100 Million" deal, sued us in Federal Court asserting:

1. Judge Early's Orders related to the Trust are void. We have no authority. [The intended result: Cannon, Dallas and Bradley return, and the "Deal" goes through.]

2. Attempting to enjoin the Trustees from taking any action (Defense of Estate Plan; suits against Dallas, Cannon, Bradley & GT; etc).

In this suit, Forlando (William) Brown is represented by Mr. Cannon, Dallas and Bradley's lawyers, who have billed the Estate $48,225 but refuse to turn over the file.

We asked the Attorney General to join in this suit to confirm that the return of Cannon, Dallas and Bradley was not appropriate. You have refused.

In early February, 2008 the Attorney General joined Mr. Dallas and Mr. Cox's partner, Forlando (William) Brown in the assault on us. He appeared on WIS Television accusing us of acting improperly. According to the associated article [we didn't watch the interview], you said that we were representing both the "poor kids' trust and the families" and that this went "far past the sign of conflict of interest." As the article and television story show, this appeared to throw the support of the Attorney General of South Carolina behind Forlando (William) Brown's attempts to return Cannon, Dallas and Bradley as Trustees. [WIS Article dtd. 2/7/08 attached]

Many family members of Mr. Brown have expressed outrage that Mr. Cannon appears to have escaped any consequences for taking $900,000.00 which did not belong to him. It belonged to a New York Bank, payable on Mr. Brown's TIAA debt.

The money Mr. Cannon misappropriated was taken directly from the account of the James Brown 2000 Trust.

We fail to see how the Attorney General's support of Forlando (William) Brown's attempts to reinstate Cannon, Dallas and Bradley as Trustees can help Mr. Brown's Estate Plan.

Issues Raised by Challenges to the Will and Trust and the Dallas and Bradley Appeal

Between November 30 and December 30, 2007 attempts by Dallas and Bradley to return as Trustees, with contests to the Will by Tommie Rae Hynie Brown and 5 of Mr. Brown's 6 acknowledged children, raised numerous challenges.

While the Dallas and Bradley appeal is pending, there are many things to be done to position Mr. Brown's Estate and Trust for a strong defense to these challenges. The positions of the Attorney General and the PR/Trustees should be wholly aligned. As stated above, they include:

1. **Defending the Estate Plan of James Brown against challenges;**
   [At a minimum, discovery can continue as to the validity of Mr. Brown's Will, dated August 1, 2000, the same day of the Trust.]

2. **Defending against the Elective Share Claims;**
   [There has been no suggestion that the "Heirs" determination cannot continue to trial. The determination of whether Mr. Brown had a Wife, and who are his children and other heirs, is important.]

3. **Preventing the Return of former PR/Trustees Cannon, Dallas and Bradley.**
   [This critical project has simply moved from the Circuit Court to the Court of Appeals and, to a limited extent, the Federal Court.]

4. **Avoiding a fire sale of Mr. Brown's valuable royalties, image and persona.**
   [We estimate it will take at least 2 - 3 years to defend and resolve the $45+ Million of bills and claims against the Estate, including $900,000+ in attorneys' and accounting fees incurred by Dallas, Cannon and Bradley. This work is critical to the implementation of Mr. Brown's Estate Plan.]

Mr. Brown's Estate account today has only about $9,000. We are trying to hold on; defend the Estate Plan; and prevent an improvident sale of Mr. Brown's valuable royalties, image and persona. The Attorney General of South Carolina can be an important ally in our attempts to save most of Mr. Brown's assets for the James Brown "I Feel Good" Trust and $2 Million Trust to educate certain of Mr. Brown's grandchildren.

For the sake of the children who will be the primary beneficiaries of Mr. Brown's Estate Plan, and for the State of South Carolina, the Attorney General of South Carolina should be taking positions that will effectively protect this valuable asset.

Sincerely,

Robert L. Buchanan, Jr.

Adele J. Pope

AJP/RLB,JR:ats
Enclosures

June 15 — June 21, 2007

Hammond advises Pope + Buchanan to agree to sale that will net the Estate/Trust $10+M.

Adele J. Pope

From: Bill Hammond [whamm@bellsouth.net]
Sent: Thursday, June 21, 2007 3:13 PM
To: adele@popelawfirm.com
Cc: Brown Est. / Robert L. Buchanan Jr.; Keith M. Babcock
Subject: RE: Disbursements from Bond Deal and repudiation of Writer's Share sale

It is not an income producing asset if it produces no income to provide benefits consistent with the purposes of the trust. When the royalties decline and go to interest first and the length of the bond payoff extends to 10 or more years. I suppose you can explain to the beneficiaries of the trust who received no benefits for ten years or more, or no benefits at all if there is a default, that holding this indebted income stream for 10 or more years was not only reasonable but advantageous to carry out the intent and purposes of the trust- to provide scholarships. The fact that no beneficiary received any benefit for 10+ years, or the fiduciaries held a declining asset which otherwise went into default and never provided a benefit, is in my opinion a breach of fiduciary duty by (1) imprudently holding this assets as an investment, when a prudent person would not, and (2) failing to operate the trust in accord with its terms- para 3 of Article VII cited below. No prudent fiduciary would hold a debt financed income producing asset in a charitable trust with no certain maturity date, if there was any substantial risk of loss or uncertainty concerning the level of royalty receipts in the future, which were under the control of third parties and not even fixed in amount.

You and Bob seem to imply that doing the GT sale is self dealing by the fiduciaries, since they have a claim under the October letter or under separate agreements with the deceased or related entities. You need to think about my comments in the paragraph above separate and distinct from their claims. If they have a valid claim, it is a claim against the estate/entity and must be filed and proved like any other claim. It is not automatically payable from the proceeds of a new GT sale of this income stream. It will likewise be subject to court approval. Assuming they have valid claims, they are payable from estate/entity assets whether you sell the writer's share or not. Think about this as fiduciaries. I refused to advise them as a lawyer for the estate and trust, so my advice to you is likewise independent of their claims. Seek the opinion of a good corporate fiduciary you know and ask them would they hold this particular debt financed and uncertain income stream in a charitable trust, if they could sell it today and net $10M+ and dispose of a $15M estate debt.

I am at home taking it easy after being in the hospital for the last five days. My heart works so efficiently that it extrudes 95% of the blood on each pump in a resting position, rather than 60-70% for a normal person. The strength of my heart makes my body think my blood pressure is too high and my parasympathetic nervous system reduces my heart rate from 70 to 35. Unfortunately, if I am standing up I pass out, which occurred twice

and for the first time on Saturday, and if sitting, I get nauseated. I hurt my arm and hip on the falls, but did not break anything. This happened 8 times and 5 in the ER on Saturday. They say I am in the 1% of the population who has heart muscle 1/3rd larger than normal and this is hereditary and the same problem you hear of when an athlete dies of heart failure at practice. The heart muscle actually contracts with such force in exertion that it obstructs the operation of the hearts valves. I am just glad I was not driving to Aiken when it occurred or exercising.

✳ My comments above are sincere and not copied to the PRs. Best wishes, Bill

Pope → Hammond
June 18, 2007

From: Adele J. Pope [mailto:adele@popelawfirm.com]
Sent: Monday, June 18, 2007 12:34 PM
To: 'Bill Hammond'; 'Brown Est. / Robert L. Buchanan Jr.'
Cc: 'Keith M. Babcock'
Subject: RE: Disbursements from Bond Deal and repudiation of Writer's Share sale

Bill:

✳ I am responding to your June 15, 2007 email prior to checking with Bob, but do not find in the Trust any requirement that the royalty assets now pledged to TIAA-CREF be sold. Paragraph (3) of Article VII says that ". . . my Trustee shall convert the assets of this Trust to income producing assets within such reasonable time . . . most advantageous to carry out my intent and the purposes of this Trust." [Paragraph (4), Dealing with self-dealing and other prohibitions is another provision applicable to any proposed transaction.]

It is my preliminary understanding, subject to learning more, that the royalty income is an income-producing asset which is appropriate to hold within a charitable trust. If that is not correct, please let us know and we will take that into consideration.

I am taking the liberty of faxing to you and Bob an article which we picked up called "A Deal Unfit for the King." This article raises some of the questions about whether a large and comprehensive deal is best for the investors. I certainly do not endorse the article or its conclusions, and am simply trying to learn how all of this works.

Sincerely,
Adele J. Pope

Cc: Robert L. Buchanan, Jr., Esquire
Keith M. Babcock, Esquire

From: Bill Hammond [mailto:whamm@bellsouth.net]
Sent: Friday, June 15, 2007 1:17 PM
To: Brown Est. / Robert L. Buchanan Jr.
Cc: adele@popelawfirm.com; Keith M. Babcock
Subject: Disbursements from Bond Deal and repudiation of Writer's Share sale

Adele and Bob: You asked about the disbursement of the bond proceeds. I sent you the list of disbursements of approximately $15M. These are the disbursements made by Leon Friedman from a net check to him at the bond closing. All of the costs- Pullman, lawyers etc were taken out before Leon received the net proceeds. I am obtaining from Leon the disbursements made by the closing attorneys prior to his receipt of the net. The Morgan Stanley account was in the name of JBE, Inc and was controlled by JB. I will send the pre $15M disbursements on the closing statement to you as soon as it is available. If litigants wish to chase rabbits I guess that is better than bothering us with relevant matters before the court.

I recall Phil stating there were some $6M+ in closing costs which had never been accounted for by JBE or JB, amortized and deducted. You will recall that Phil and I concluded these previously undeducted costs and the NOL carry forward would largely offset the gain from the sale of the writer's share and payoff of the bond as it relates to JBE, Inc. A charitable deduction would offset some part of the gain at the estate level. Therefore, it is discouraging to hear that you object to going forward with the sale of the writer's share, especially

Hammond aware $6 Million not accounted for since 1999.

HENRY MCMASTER
ATTORNEY GENERAL

June 16, 2008

Adele J. Pope, Esquire
Robert L. Buchanan, Jr., Esquire
212 Newberry Street NW
Aiken, South Carolina 29801

Re: James Brown Litigation

Dear Mrs. Pope and Mr. Buchanan:

I am writing in response to your letter dated June 13, 2008. I believe we are in agreement that the Charitable Trust created by the late Mr. James Brown is a wonderful opportunity to further the education of needy children at institutions in South Carolina and Georgia. It is my statutory duty to protect and enforce the Trust, and I look forward to the day when scholarships will be funded.

I am surprised by your statement that we have elected not to join you in the pursuit of your primary goals for the Estate Plan of James Brown. A primary concern of this office is that the laws of the State of South Carolina be enforced. As you know, we have concerns about your appointment as Trustees of the Trust, as we do not believe the Court had jurisdiction over this issue or that the proper procedures were followed. I was pleased when it appeared after our recent meeting that we would be able to resolve this issue and looked forward to doing so. However, immediately after the meeting we learned of the Court of Appeals' Order, which unfortunately made our plan to resolve this matter no longer possible.

I will address your individual concerns below. First, you contend that we support Messrs. Cannon, Dallas, Bradley, and Hammond. In fact, we do not support or oppose these individuals. We do <u>not</u> advocate their return to any position in connection with the Trust or Estate, and we have never attempted to return them to their positions. We have, however, communicated with them; as they were all (with the exception of Mr. Hammond) close to Mr. Brown, they may have information which they can provide to us which would otherwise not be available. To the extent these individuals can provide us information or affidavits, it is my duty to ensure that we do not ignore them.

I have made no promises to remove or appoint anyone, and I have confirmed that neither Mr. Jones nor anyone else in the office has either. You apparently are relying on the statements

of Terry Cox, a non-lawyer, as to the plans of this office, but he is not employed here and is not authorized to speak on my behalf. I filed a Motion to ensure that the appropriate procedures were followed: if the Trustees are not properly appointed, their actions may be called into question now or in the future, and I want to ensure this does not happen. Mr. Cox and other individuals call the office from time to time with questions, and we attempt to respond appropriately, as these are public matters We may have mentioned to him that we would be filing a Motion, just as we would have mentioned it to you or anyone else who called. I cannot control his statements or mischaracterization of my Motion.

As to your statement of our knowledge prior to March 7, 2008, of Mr. Hammond's appointment, I have confirmed that Mr. Jones received the emails you attached. I have also confirmed that he forwarded them to other members of the office, including two other attorneys and an auditor. At that time the office had just become involved in the case, and the statements escaped their notice. At that point, we were just beginning to gather information and realize the full complexity of this matter. So while he may have unknowingly had possession of the information earlier, Mr. Jones first learned of the appointment the night before the March 7, 2008, hearing, as the transcript will reflect.

As to the federal suit, there has been no Motion to join this office as a party, and we do not seek out lawsuits in which to get involved. We have not "refused" to get involved in the lawsuit; rather, we have not been joined or formally asked to do so through court pleadings. Given the sensitive nature of this entire matter, we have proceeded carefully.

As to the WIS-TV interview, we do have concerns about a conflict of interest. However, we were able to work with both of you to review the bank records. At this time we do not feel it is necessary to ask the Court for a special fiduciary as to the conflict of interest issue, but if and when necessary, we will ask the Court to do so.

As to your statement that Mr. Cannon has "escaped any consequences" for taking the money of M&T Bank, the fact is that the Court issued an Order sentencing Mr. Cannon to six months imprisonment unless he returns the money, and Cannon's appeal of this Order is pending before the South Carolina Court of Appeals. In addition, law enforcement is investigating the matter.

I agree with your final concerns that there are many issues which we will be required to address in the future, including defending against challenges to the Trust and the elective share claim. My priority is to protect the interests of the charitable beneficiaries as contemplated by law, and all of my office's actions in the past have been in furtherance of that goal. I will continue to work toward this goal in the future. To the extent we can work together toward common goals, I look forward to doing so.

Yours very truly,

Henry McMaster

HMcM/mfj

MEMORANDUM

TO: **C. Havird Jones, Esquire, John W. McIntosh, Esquire & Mary Frances Jowers, Esquire**

FROM: **Adele J. Pope**

DATE: **June 19, 2008** **BY FAX ONLY**

RE: **Estate Plan of James Brown**

I look forward to meeting with you this morning at 10:30 to explore with you why Bob and I believe it is not in the best interest of the Estate Plan of James Brown for the Attorney General - or anyone – to file an action in the Circuit Court for the Appointment of a Special Administrator or Special Trustee at this time.

When we met on May 29,2008, it was our understanding that:

1. The Attorney General, with John Rainey, who offered to assist, would come up with the name of a Third Fiduciary who would have prestige, ability, willingness to work, independence, and a desire to defend the Estate Plan of James Brown. The Third Fiduciary would be presented to us. (We understood that would take only about a week.)

2. With Mr. Rainey's help, we would meet the Third Fiduciary to confirm no conflicts, and that the Third Fiduciary has the energy and enthusiasm for the project and wants to work with us.

3. Upon completion of 1 and 2, Third Fiduciary, the Attorney General and we, working jointly, would confirm publicly:

A. These are the 3 Fiduciaries jointly supported by the S. C. Attorney General & current PR/Trustees to defend Mr. Brown's Estate Plan.

B. While we do not necessarily agree on the method of appointment, or even the correct Court, the Attorney General, Buchanan, Pope and Third Fiduciary all want this appointment.

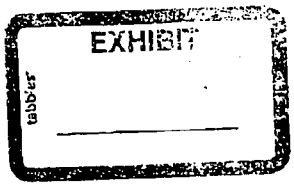
C. The Attorney General, Third Fiduciary, and we then apply to a Court together (or maybe more than 1) to obtain the appointment, at the highest status the Court will grant. (ie, actual PR better than SA, etc.)

While the Court of Appeals decision makes 3C a little more complicated , it does not make it impossible unless Cannon, Dallas and Bradley are allowed to return or the Trust is set aside.

We do not believe that counsel for Buddy Dallas, Albert Bradley, Tommie Rae Hynie, Forlando (William) Brown, David Cannon, or any other child or grandchild of of Mr. Brown who seeks to set aside Mr. Brown's Trust or to have Cannon, Dallas and Bradley return should be invited to join us in this project. [Unless they change.]

We have been hoping to receive a name from you, and proceed with this process.

cc: John S. Rainey, Esquire



Estate of James Brown
212 Newberry Street NW
Aiken, South Carolina 29801

Robert L. Buchanan, Jr., Personal Representative Adele J. Pope, Personal Representative

June 27, 2008

The Honorable Henry Dargan McMaster
Attorney General for the State of South Carolina
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549

BY FAX ONLY
Fax # 803-734-3677

Re: The Estate Plan of James Brown

Dear Attorney General McMaster:

All except the first two paragraphs of this letter were completed yesterday before Mr. Jones elected to file his unfortunate Petition.

We request an opportunity to review all of your office's third-party correspondence, documents and communications, as well as time summaries of Mr. Jones, Ms. Jowers and Ms. Matthews from September 1, 2007.

We appreciate your June 16, 2008 response to our concerns related to the Estate Plan of James Brown. We look forward to working with your office in the defense of Mr. Brown's Estate Plan.

ATTORNEY GENERAL'S EXPRESSED NEUTRALITY WITH RESPECT TO DAVID CANNON AND ALBERT DALLAS

We are concerned about two assertions made in your June 16th letter. Because we believe that future protection of Mr. Brown's Estate Plan is dependent on an understanding of the secret and improper actions of the former PR/Trustees, we are concerned that the Attorney General asserts that he does not oppose Messrs. Cannon and Dallas. It is our firm position that the defense of Mr. Brown's Estate Plan requires that the Attorney General, if involved, be opposed to Mr. Cannon and Mr. Dallas.

Mr. Cannon and Mr. Dallas are using every means possible to:

1. Conduct a Fire Sale of Mr. Brown's assets for their own benefit;

2. Interfere with the administration of Mr. Brown's Estate and Trust so that will happen;

3. Avoid returning the $13 Million they received between 1999 and 2007; and

4. Receive more than $16.5 Million from Mr. Brown's assets.

The Cannon/Dallas plan is to get rid of us and immediately conduct the $100 Million Fire Sale. This will damage the Estate Plan of James Brown **at least** as follows:

1. Prevent return of the $13 Million
2. Pay to them **at least:**
   a. Cannon $ 6 Million
   b. Dallas $ 5.5 Million
   c. Bradley $ 5 Million
   d. J. Katz $ 5 Million
   e. F. Copsidas $15 Million
   f. T. Byron $ 5 Million (promised by Dallas in November 2007)
   g. Forlando (William) Brown - as yet undisclosed

   AND expose the Estate/Trust to a $12.5 Million claim of Pullman under Paragraph 7 of the old engagement letter. (Subject of New York litigation.)

Mr. Cannon, Mr. Dallas and Mr. Bradley incurred more than $900,000 in legal fees last year trying to accomplish this. Mr. Brown's Estate is now saddled with the defense of those claims. Mr. Cannon, Mr. Dallas and their business partner Forlando (William) Brown and his attorney David Bell, are currently represented by Wayne Byrd, Audra Byrd, at least 2 Powell Goldstein lawyers, William Toal, and others. To face this onslaught and defend the Estate Plan, we have about $3,000 in the bank. [See First Accounting.]

In light of Mr. Cannon's behavior and Mr. Dallas' repeated false representations to the parties, to the Court, and under oath, we believe that the Attorney General should not treat either as some neutral party or source of reliable information. And their Affidavits should certainly not be used to skewer others.

You assert that the Attorney General's office cannot become involved in Forlando (William) Brown's attempts to have Dallas and Cannon reinstated as Trustees and enjoin the Trust from taking any action. You assert "we do not seek out lawsuits in which to get involved."

We respectfully submit that the Attorney General, at the request of Messrs. Cannon and Dallas, did seek to become involved in early September, 2007; and actively supported Cannon and Dallas in their false accusations and attacks on us as Special Administrators.

These matters have now been partially straightened out – but with a great loss of energy and time.

Here is a brief review of what is now known about Mr. Cannon and Dallas' actions, with Forlando (William) Brown, Mr. Bradley and William Hammond, to summon the Attorneys General of two states to their rescue:

July 10, 2007	When Cannon, Dallas and Bradley knew we would shortly see the Trust's records on July 17, they attempted a secret transfer of the Trust to Georgia.
July 17, 2007	We discovered the missing $900,000.00 [from the Trust].
Late July	Dallas, Cannon and Bradley secretly "appointed" Bill Hammond as Trustee
Early August	Dallas and Bradley pretended to distance themselves from Cannon.
August 10, 2007	Cannon resigned. Dallas and Bradley promised transparent administration of the Estate and Trust.
August 31, 2007	Dallas and Bradley filed a Motion to Declare James Brown Enterprises, Inc. (JBE, Inc.) an Asset of the Estate – Not the Trust. (We refused to join in the motion.) In his Federal Lawsuit of Forlando (William) Brown asserts Dallas was forced by us to join in <u>our</u> motion. We never filed any motion. Dallas then **"immediately and purposefully contacted the attorneys General of South Carolina and Georgia." [See Attachment A]**
Sept. 20, 2007	**The SC Attorney General, at the invitation of Cannon and Dallas, moved to intervene in the action. Instead of attacking Cannon and Bradley, they went after us.**

Sept. 24, 2007	Dallas, Bradley and Forlando (William) Brown all signed, with others, a stipulation that JBE, Inc. is part of the Estate – not the Trust. (A month after refusing to join in the JBE, Inc., motion, we still refused to sign such stipulation, despite affidavits of Phil Farr and others asserting that JBE, Inc. was an Estate asset.) [See **Attachment B**, Transcript, and Affidavit of Farr, with attachments.]
October 2007	Cannon, Dallas and business partner William (Forlando) Brown, (without disclosing their conflict) presented to themselves as PR/Trustees the first $100 Million letter of intent, which they represented to be an independent offer. (The "Fire Sale")
October 2007	Cannon reported to a friend that **"[t]he tide seems to be turning. I went to the Attorneys General of SC & GA and they have entered the proceedings. The Judge and other attorneys have been quite [sic]." [See Attachment C.]**
By Nov. 20, 2007	Everyone involved in the Estate/Trust knew that Mr. Hammond, Mr. Cannon and Mr. Dallas were not credible.
December 6, 2007	Sonny Jones questioned the "$100 Million Deal," but did not investigate or challenge Cannon, Dallas, or Forlando (William) Brown. Instead the Attorney General sent auditors to check the small amount of funds in our hands. (No problems found).
December 2007	The Attorney General used affidavits of Bradley, Dallas and Hammond to accuse us of unethical behavior. Accused us of improper commingling. (Later withdrawn.)
Jan. - April, 2008	Cannon, Dallas business partner Forlando (William) Brown filed Federal Suit.
June 2008	William Hammond gave press interview intending to damage the Estate Plan by interfering with the Christie's sale. [See **Attachment D**.]

In short, the Attorney General did accept an invitation – from Mr. Hammond, Mr. Cannon and Mr. Dallas – and became involved in this "case". You became involved fairly actively on the side of Messrs. Cannon and Dallas. That involvement, and the accompanying

statements, accusations and representations, are still being used by Mr. Cannon, Mr. Dallas and Mr. Bradley [and business partner Forlando (William) Brown] in attempts to paralyze the 2000 Trust; prevent the defense of the Estate Plan; prevent the return of the $13 Million; and take home more than $40 Million from the Fire Sale for themselves and their joint venturers.

We understand that the Attorney General's decision to become involved in any aspect of the Defense of Mr. Brown's Estate Plan is discretionary. But you elected in September 2007 to enter, with the Attorney General of Georgia, at the request of Mr. Cannon and Mr. Dallas. Now that the Attorney General is immersed in the whole project of the defense of Mr. Brown's Estate Plan, we think it appropriate, and perhaps critical, for the Attorney General to declare that the State of South Carolina has an interest in seeing that Forlando (William) Brown is not successful in his attempts to paralyze the Trust and return Cannon, Dallas and Bradley, as Trustees. (He characterizes Cannon as "courageous" and "honest." See deposition dtd. 10/31/07.)

Again, we thank you for your work toward what we see as our mutual goals:

1. Defense of Mr. Brown's Estate Plan;

2. Defense of the Elective Share Claim;

3. Avoiding a Fire Sale of this wonderful legacy; and

4. Making sure that Messrs. Cannon, Dallas, Bradley and their agents do not return to any fiduciary position with respect to the Estate/Trust or Brown Entities.

We look forward to working with you.

Sincerely,

Robert L. Buchanan, Jr.

Robert L. Buchanan, Jr.

Adele J. Pope

Adele J. Pope

AJP:ats
Enclosures

Estate of James Brown

212 Newberry Street NW
Aiken, South Carolina 29801

Robert L. Buchanan, Jr., Personal Representative Adele J. Pope, Personal Representative

July 25, 2008

The Honorable Henry Dargan McMaster
Attorney General for the State of South Carolina
State of South Carolina
C. Havird Jones, Jr., Esquire
Senior Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

BY FAX OR MAIL
Fax # 803-734-3677

Re: Estate/Trust of James Brown

Dear Attorney General McMaster and Mr. Jones:

Based on the Order of Judge Cureton dated July 14, 2008, we would hope that we can return to our discussions which were derailed by various interpretations of the May 28 Order.

In an effort to work with the Attorney General toward a succession plan that will be controlled in a manner acceptable to the Attorney General, and allow us to focus all energy on defense of the Estate Plan; being certain that Dallas, Cannon and Bradley do not return; and vigorous defense of the $46 Million in claims, we have made contact with each of the persons suggested by the Attorney General. Here is a brief report:

1. Steve Johnson and Xavier Starkes visited the Trust property on Tuesday, July 22.

2. David Sojourner has been on vacation, and we hope to talk to him within the next week or so.

3. We have attempted to contact Russell Bouknight about visiting the Trust property, but have not heard back from him.

4. We have attempted to contact Tracey C. Green. His paralegal called back to advise that he was too busy to go to the house and too busy to schedule a telephone conference to talk with us. We requested that he call back to schedule a time when he could talk. This was about 10 days ago, and he has not called.

We are hoping that Xavier Starkes and Steve Johnson remain interested in the prospect of serving Mr. Brown's Estate Plan.

Can we continue to work on this?

Sincerely,

Robert L. Buchanan, Jr.

Adele J. Pope

AJP:ats
cc: Russell L. Bauknight, CPA
Tracey C. Green, Esquire
W. Steven Johnson, Esquire
David C. Sojourner, Jr., Esquire
F. Xavier Starkes, Esquire
All other interested parties in the Estate/Trust

\\Server\docs\BROWN ADMINISTRATION\LTR.ATTY.GEN.2008.07.25.wpd

Estate of James Brown
212 Newberry Street NW
Aiken, South Carolina 29801

Robert L. Buchanan, Jr., Personal Representative Adele J. Pope, Personal Representative

August 12, 2008

C. Havird Jones, Jr., Esquire
Senior Assistant Attorney General
Office of the Attorney General
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549

BY FAX OR MAIL

Re: Estate of James Brown

Dear Sonny:

We were pleased to receive your email of this morning.

Can you or one of the other counsel listed below please provide Bob and me with a copy of the Agreement this morning. We will be meeting this afternoon.

Thank you in advance.

Sincerely,

Adele Pope

Adele J. Pope, for Robert L. Buchanan and Myself

AJP:ats
cc: Louis Levenson, Esquire
Robert N. Rosen, Esquire
T. Heyward Carter, Jr., Esquire
Andrew Chandler, Esquire
S. Alan Medlin, Esquire
David L. Michel, Esquire
Thornton Morris, Esquire

\\Server\docs\BROWN ADMINISTRATION\LTR.JONES.08.06.2.wpd

EXHIBIT 14

Law Office of James Bailey

From: Robert Rosen [rrosen@rosen-lawfirm.com]
Sent: Tuesday, August 12, 2008 6:25 PM
To: dearlyj@accounts.org
Cc: Marcia Jones; amedlin@sc.rr.com; Andrew Chandler; david@michellawoffice.com; Carter@ecib.com; Jean Lee; ssajones@sg.state.sc.us; davidbell@davidbelllawfirm.com; weskirkland@bellsouth.net; jdbaileylaw@bellsouth.net; jmg@jimgriffinlaw.com; Louis Levenson; mattbodmanlaw@aol.com; shahidio@bellsouth.net
Subject: Mrs. Pope's Letter to You

Dear Judge Early,

I speak, I am sure, for all counsel in this case when I say that I am opposed to the Court issuing any order requested by Ms. Pope prior to the August 19 hearing. The purpose of the hearing (I thought) was for you to hear what all counsel have to say.

Most of the orders requested by Mrs. Pope are now moot as the main parties who raised the most serious issues pending before the Court have now settled their differences.

As the estate's resources are limited, we have asked Mrs. Pope to stand down until we can have a status conference on where we are on the 19th.

Sincerely,
Robert Rosen

From: Adele J. Pope [mailto:adele@popelawfirm.com]
Sent: Tuesday, August 12, 2008 5:14 PM
To: dearlyj@accounts.org
Cc: 'Lori Christman'; louis@levensonlaw.com; Robert Rosen; d_michel@yahoo.com; amedlin@sc.rr.com; tmorris@morrislawpartners.com; 'Sonny Jones'; 'Cherry V. Cordle'; WByrd@turnerpadget.com; 'Tommy Lydon'; davidbell@davidbelllawfirm.com; 'Matt Bodman'; rbuchananjr@bellsouth.net; jdbaileylaw@bellsouth.net; jmg@jimgriffinlaw.com; weskirkland@bellsouth.net; dcannon@barnwelllaw.com
Subject: Brown, J

See attached letter

This message, including attachments, is from the Law Office of Adele J. Pope, PC. This message contains information that may be confidential and/or protected by the attorney-client or attorney work product privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at 803-779-1870. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

IRS CIRCULAR 230 DISCLOSURE:
To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. Please do not hesitate to contact me, however, if you have any questions regarding this matter.

No virus found in this incoming message.
Checked by AVG - http://www.avg.com
Version: 8.0.138 / Virus Database: 270.6.1/1608 - Release Date: 8/12/2008 4:58 PM

Adele J. Pope

From: Sonny Jones [AGSJONES@ag.state.sc.us]

Sent: Tuesday, August 12, 2008 10:51 AM

To: dearlyj@sccourts.org

Cc: J. C. Nicholson; Mary Frances Jowers; Matt Bodman; jdbaileylaw@bellsouth.net; rlbuchananjr@bellsouth.net; shahidlo@bellsouth.net; weskirkland@bellsouth.net; davidbell@davidbelllawfirm.com; Carter@eckb.com; William Barr; jmg@jimgriffinlaw.com; William Toal; Lori Christman; louis@levensonlaw.com; Thomas Lydon; Steve Morrison; adele@popelawfirm.com; rnrosen@rosen-lawfirm.com; amedlin@sc.rr.com; Audra Byrd; WByrd@turnerpadget.com; C. Bradley Hutto; d_michel@yahoo.com; robtyoungatty@yahoo.com; Steve Brown

Subject: Fwd: Re: Proposed Email to Judge Early

Dear Judge Early:

We, the Attorney General of South Carolina, and Robert Rosen and Louis Levenson along with our clients are very pleased to announce to the Court that all differences between our clients have been resolved and fully settled in a written agreement which was executed following a mediation all day on Sunday August 10, 2008 on James Brown Boulevard in Augusta, Georgia. The Mediator was Tom Wills.

We believe that most of the issues in contention in the estate and trust matters are resolved by this agreement. There are still some issues that remain outstanding involving persons or attorneys who are not parties to our settlement. As such, we respectfully request that, before the hearing scheduled for Tuesday Aug. 19, 2008 in Aiken, SC, Your Honor please devote some time to a status conference with all counsel to discuss the ramifications of the settlement and how it impacts the future administration of the Estate and the Trust.

Because Louis Levenson had intended to present a proposed consolidated agenda for the hearing on August 19, 2008, and because all parties to the settlement referenced above believe that certain disputes involving non settling parties still remain and require hearings, below is an agreed upon list of issues and motions that can and hopefully will go forward on August 19, 2008:

1. The PR/Trustees' Order Separating claims of Cannon, Dallas and Bradley (Approved by Mr. Byrd).
2. Scheduling hearing on separate Accountings of Dallas and Bradley as PRs and Trustees, and Attorney's fees. Removal/Appointment/Accounting, Case No. 2007-122 (For September, before September 25th please, Estate Tax Return due that day.)
3. Louis Levenson's Motion for Supersedeas and Bond regarding the Appeal by Buddy Dallas and Al Bradley (Evidence of damages will need to be presented.)
4. Remaining evidence and argument on Motion for Contempt as to Buddy Dallas and Al Bradley, filed by Clients of Louis Levenson on March 18, 2008 regarding testimony on March 7, 2008.
5. Rule 59 Motion to Alter or Amend and/or Reconsider Order Approving and Setting Conditions of Interim Payment of Educational Benefits filed by Louis Levenson on July 31, 2008.
6. David Bell/Forlando Brown's Withdrawal of Stipulation (filed on 8-1-08); and
7. David Bell's Motion to be Admitted Pro Hac Vice filed August 7, 2008.
8. Steve Brown's motions regarding M&T Bank.

We request that you stay or defer all other matters until some date after this status conference.

We also request that you let us know in advance if this is acceptable to you.

Thank you.

C. Havird Jones, Jr.
Senior Assistant 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@ag.state.sc.us

EXHIBIT 16

EXHIBIT A

HENRY MCMASTER
ATTORNEY GENERAL

July 30, 2008

Adele J. Pope, Esquire
Robert L. Buchanan, Jr., Esquire
212 Newberry Street NW
Aiken, South Carolina 29801

Re: James Brown Litigation

Dear Mrs. Pope and Mr. Buchanan:

I am writing in response to your letter dated July 25, 2008. I am pleased that we may be able to work together towards our shared goals in connection with the Estate Plan of James Brown. As I mentioned in my last letter, Mr. Brown's Charitable Trust is a wonderful opportunity to further the education of needy children at institutions in South Carolina and Georgia. I hope that we will be able to work together to ensure that scholarships are funded as soon as possible.

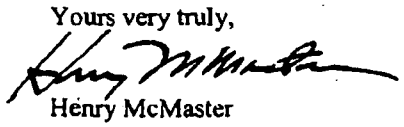
While I have no objection to returning to our previous discussions about securing your proper appointment, I have concerns about whether this is possible given your unwillingness to consider the Special Trustee position. On several occasions you have indicated that you do not want to be appointed Special Trustee. I do not believe that you can be properly appointed permanent Trustee if you are not willing to resign and ask to be appointed Special Trustee, which I would support. Once you are appointed Special Trustee, we can ask the Advisory Board for a vote on the Trustee position, as required by Article XIII of the Trust document. If there is not a unanimous vote for you to be Trustee, then we can go to the Probate Court, have the matter removed to the Circuit Court, and have you properly appointed by the Circuit Court.

I am hopeful that as we go through this process, a third Trustee can be put in place along with both of you as required by Article VIII of the Trust. I appreciate your report in connection with my suggestions as to a suitable individual to serve as the third Trustee.

REMBERT C. DENNIS BUILDING · POST OFFICE BOX 11549 · COLUMBIA, S.C. 29211-1549 · TELEPHONE: 803-734-3970 · FACSIMILE: 803-253-6283

If you are willing to work together, I believe we can secure your proper appointment without further litigation, which would give us all more time to devote to the charitable intentions of Mr. Brown.

Yours very truly,



Henry McMaster

HMcM/mfj

EXHIBIT 17

HENRY MCMASTER
ATTORNEY GENERAL

July 7, 2008

VIA E-MAIL
The Honorable Doyet A. Early, III
Resident Judge, Second Judicial Circuit
P. O. Box 90
Bamberg, SC 29003

Re: James Brown Trust
C/A No.: 2008-CP-02-1153

Dear Judge Early:

In connection with the Attorney General's Emergency Petition for Special Trustee(s) and your directive at the hearing last week, I requested proposals from counsel both at the hearing and in an e-mail sent last week as to their recommendations. Based upon the responses provided and his review, the Attorney General offers the following individuals to the Court for consideration as Special Trustee(s) of the James Brown Irrevocable Trust Agreement:

Russell L. Bauknight, C.P.A.
Bauknight Pietras & Stormer, PA
Columbia, South Carolina

Tracey C. Green, Esquire
Willoughby & Hoefer, PA
Columbia, South Carolina

W. Steven Johnson, Esquire
Todd & Johnson, LLP
Columbia, South Carolina

David C. Sojourner, Jr., Esquire
Ellis Lawhorne & Sims, PA
Columbia, South Carolina

F. Xavier Starkes, Esquire
Starkes Law Firm, LLC
Columbia, South Carolina

Based upon conversations with these individuals, it is my understanding that their acceptance of the position would be conditioned upon the responsibilities to be designated by the Court.

I will be glad to provide additional biographical information about each of these individuals, or any other information you need.

For your convenience, I have included a proposed Order Appointing Special Trustees.

I am copying all counsel with this Correspondence via e-mail.

Very truly yours,

C. Havird Jones, Jr.
Senior Assistant Attorney General

cc: All Counsel of Record (via e-mail)

STATE OF0 SOUTH CAROLINA	)	IN THE ~~PROBATE COURT~~ Court of Common Pleas
	)	
COUNTY OF AIKEN	)	
		2008-CP-02-1153
IN RE:	)	C/A No.:
	)	
THE IRREVOCABLE TRUST AGREEMENT OF JAMES BROWN, A/K/A JAMES JOSEPH BROWN	)	

COPY
ORIGINAL FILED
JUL 0 2 2008 330 ash
AIKEN COUNTY
CLERK OF COURT

Emergency Petition for Appointment of Special Trustee(s)

This matter comes before the Court based on the Petition for Appointment of Special Trustee(s) filed on behalf of the Attorney General of South Carolina, by and through his undersigned counsel, who would allege as follows:

1. James Brown, a/k/a James Joseph Brown, executed an Irrevocable Trust Agreement dated August 1, 2000 ("Trust"). The "Trust" contained both a private trust, "The Brown Family Education Trust," and a charitable trust, The James Brown "I Feel Good Trust." Provisions in the "Trust" provided that upon termination of the private trust, a transfer of any remaining principal and accumulated income to the charitable trust.
2. The Attorney General of South Carolina, pursuant to his statutory, S.C. Code § 1-7-130, and common law authority, files this action in that he is "the proper party to protect the interest of the public at large in the matter of administering or enforcing charitable trusts." See Epworth Children's Home v. Beasley, 365 S.C. 157, 164, 616 S.E.2d 710, 714 (2005). See also S.C. Code § 62-7-405.

3. That Alfred A. Bradley, Albert H. Dallas, and David G. Cannon were named and served as Co-Trustees of the "Trust."

4. On or before August 10, 2008, David G. Cannon resigned as Co-Trustee of the "Trust." (See August 10, 2007, Order In Re: The Estate of James Brown, a/k/a James Joseph Brown, C/A No. 2007-CP-02-0122).

5. At a hearing on November 20, 2008, the remaining Co-Trustees, Alfred A. Bradley and Albert J. Dallas, resigned as Co-Trustees. Also on November 20, 2008, the Court appointed Adele J. Pope and Robert L. Buchanan as Co-Trustees of the "Trust." (See November 20, 2007, Order In Re: The Estate of James Brown. a/k/a James Joseph Brown, C/A No. 2007-CP-02-0122).

6. On November 30, 2007, Albert H. Dallas and Alfred A. Bradley filed a Motion to Vacate, Amend, and Reconsider the Order of November 20, 2007, as to their resignation and the appointment of Pope and Buchanan. The Court filed its Order denying the Motion on March 7, 2008. Dallas and Bradley subsequently filed a Notice of Appeal on March 19, 2008, with the South Carolina Court of Appeals. Pope and Buchanan filed a Motion to Dismiss or Stay the Appeal.

7. On or about May 28, 2008, the Court of Appeals issued an Order denying the Motion to Dismiss or Stay the Appeal. The Court stated as follows in its Order: "We further note that because this appeal does not implicate the Estate, the Estate litigation will be able to go forward while this appeal is pending. See Jackson v. Speed, 326 S.C. 289, 486 S.E.2d 750 (1997) (explaining the trial court retains jurisdiction over matters not affected by an appeal)."

8. The Circuit Court, in its November 20, 2007, Order (see above) granted the Attorney General time to file an objection to the appointment of Pope and Buchanan as Trustees if he desired. The Attorney General timely filed an objection on December 17, 2007. On March 7, 2008, the Court heard the Attorney General's objection to the appointment. The Court filed an Order on April 10, 2008, in connection with the Attorney General's objection, entitled "Order Denying Motion to Reconsider Appointment of Successor Personal Representatives and Trustees and Granting Related Relief." On April 24, 2007, the Attorney General filed a Motion to Alter or Amend Judgment and/or for Reconsideration pursuant to South Carolina Rule of Civil Procedure 59(e). Based upon the May 28, 2008, Order of the Court of Appeals, the Attorney General filed a Motion on June 18, 2008, to have his Motion for Reconsideration held in abeyance pending the outcome of the above-referenced appeal.

9. The Court of Appeals Order has the effect of staying any actions of the current or former Trustees as to fulfilling their duties in connection with the "Trust." See South Carolina Appellate Court Rules 205 and 225.

10. Based upon the above-referenced Court of Appeals ruling, there is currently no Trustee to administer and protect the assets of the "Trust." With no Trustee, the assets of the "Trust" are in danger of possible dissipation or loss. "The principle that a trust will never be allowed to fail for want of a proper trustee is one of the foundation principles – one of the 'mud-sills' – of chancery. This universal rule requires no citations." Leaphart, et al. v. Harmon, et al., 186 S.C. 362, 195 S.E. 628

(1838). The need for a Trustee is immediate and the request for the appointment of a Trustee under the circumstances is appropriate. See S.C. Code Ann. § 62-7-704.

Based upon the foregoing, the appointment of a Special Trustee(s) pursuant to S.C. Code Ann. § 62-7-704 is necessary to preserve the "Trust" and secure its proper administration.

WHEREFORE, the Petitioners pray as follows:

(a) That the Court hear their Petition at the next scheduled hearing, Petition being an Emergency Petition for Appointment of a Special Trustee(s);

(b) That the Court appoint a Special Trustee(s) pursuant to S.C. Code Ann. § 62-7-704 and that the Special Trustee(s) be given the power to preserve the "Trust" and secure its proper administration and to conduct the administration unless and until otherwise restricted by the Court;

(c) That the Court restrain and enjoin all current and former Trustees from exercising any power or authority related to the "Trust" for such a period of time the Court deems proper or unless and until otherwise ordered by the Court; and

(d) That the Court grant such other and further relief that the Court deems just and proper.

Respectfully submitted,

HENRY D. McMASTER
Attorney General

ROBERT D. COOK
Assistant Deputy Attorney General

C. HAVIRD JONES, JR.
Senior Assistant Attorney General

MARY FRANCES JOWERS
Assistant Attorney General

P. O. Box 11549
Columbia, South Carolina 29211
(803) 734-3680

BY: _____
ATTORNEYS FOR THE SOUTH CAROLINA
ATTORNEY GENERAL

June 26, 2008

STATE OF SOUTH CAROLINA	)	
	)	IN THE PROBATE COURT
COUNTY OF AIKEN	)	
IN RE:	)	C/A No.:
	)	
THE IRREVOCABLE TRUST	)	
AGREEMENT OF JAMES BROWN,	)	
A/K/A JAMES JOSEPH BROWN	)	
	)	

Summons

TO: JAMES D. BAILEY, ESQUIRE, ATTORNEY FOR ADELE J. POPE AND ROBERT L. BUCHANAN, JR., AND R. WAYNE BYRD, ESQUIRE, ATTORNEY FOR ALBERT H. DALLAS AND ALFRED A. BRADLEY:

YOU ARE HEREBY SUMMONED and required to answer the Petition within, a copy of which is served upon you, and to serve a copy of your written response to the said Petition on the subscribers at the Office of the South Carolina Attorney General, P. O. Box 11549, 1000 Assembly Street, Columbia, South Carolina, 29211-1549, within twenty (20) days after the date of service hereof, exclusive of the day of service, and if you fail to answer the Petition within the time aforesaid, the South Carolina Attorney General will apply to the Court for the relief demanded in the Petition.

Respectfully submitted,

HENRY D. McMASTER
Attorney General

ROBERT D. COOK
Assistant Deputy Attorney General

Filed: 6-27-2008
Sue H. Roe
Judge of Probate
By: K. Griffin

C. HAVIRD JONES, JR.
Senior Assistant Attorney General

MARY FRANCES JOWERS
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211
(803) 734-3680

BY: _____
ATTORNEYS FOR THE SOUTH CAROLINA
ATTORNEY GENERAL

June 26, 2008.

EXHIBIT 18

EXHIBIT

EXHIBIT R

Adele J. Pope

From: Alvin Calvin (themachinegroup@yahoo.com)
Sent: Friday, November 30, 2007 11:52 AM
To: adele@popelawfirm.com
Subject: FYI: Fwd: Fw: JB Project

November 26, 2007

Email: 11/26/07
Cox - Heflin
"JB Project"
Senior Assistant Attorney General reported to be selecting Trustee to work with Cox, Cannon Bradley Dallas, Forlando (William) Brown

Marrion Heflin <mheflin@nevissecurities.com> wrote:

To: themachinegroup@yahoo.com
Subject: Fw: JB Project
From: "Marrion Heflin" <mheflin@nevissecurities.com>
Date: Tue, 27 Nov 2007 20:48:01 +0000

Sorry for the delay. Terry's e-mail is below mine.
------Original Message------
To: Terry Bradford Cox
Sent: Nov 26, 2007 6:01 PM
Subject: Re: JB Project

Thanks for the update. Am I still your guy or are you engaging other players to perform my role? I only ask so that I am prepared to deliver, to include involved in the due diligence.

------Original Message------
From: Terry Bradford Cox, PhD
To: Marrion Heflin
ReplyTo: Terry Bradford Cox
Sent: Nov 26, 2007 1:25 PM
Subject: RE: JB Project

Marrion
It is tough to say anything when this deal changes every 3 hours. I am not being facetious. In short, Buddy Dallas resign as the trustee last Tuesday with the caveat that the court would look to me going forward. I then was asked to present my ideas in the judges chambers. I am suppose to have a meeting with the new trustees this week ...that is if they stay the trustees. I had a conversation with the Senior Assistant Attorney General of South Carolina this morning. He is preparing a motion to have them removed and told me that he would select a trustee for me to work with. I am to have a meeting with him and the AG from GA by next Monday.

Everything has been so mercurial, it has been difficult to put anything on paper. I believe when things start to happen we will have to be in a position to move very quickly with due diligence and funding. We may have to do everything within 90 days.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE PROBATE COURT

Civil Action No. 2010 - GC 4000873

FILED
10 MAR 19 PM 1:10
ANNE KIRKLAND GILLESPIE
PROBATE JUDGE
RICHLAND COUNTY, S.C.

SUMMONS

RUSSELL L. BAUKNIGHT, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown

and

HENRY DARGAN MCMASTER, in his capacity as Attorney General of the State of South Carolina; TOMMIE RAE BROWN, individually and on behalf of her minor child, JAMES BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,
Plaintiffs

v.

Adele J. Pope and Robert L. Buchanan, Jr.,
Defendants

TO: THE DEFENDANTS, ADELE J. POPE AND ROBERT L. BUCHANAN, JR.:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Respectfully submitted,

SWEENY, WINGATE & BARROW, P.A.

/Kenneth B Wingate

Kenneth B. Wingate
Everett A. Kendall, II
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
(803) 256-2233

ATTORNEYS FOR THE PLAINTIFFS

Columbia, South Carolina
May 19, 2010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE PROBATE COURT

Civil Action No. 2010-GC-4000073

RUSSELL L. BAUKNIGHT, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown

and

HENRY DARGAN MCMASTER, in his capacity as Attorney General of the State of South Carolina; TOMMIE RAE BROWN, individually and on behalf of her minor child, JAMES BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,
Plaintiffs

v.

Adele J. Pope and Robert L. Buchanan, Jr.,
Defendants

COMPLAINT
(Jury Trial Demanded)

FILED
10 MAY 19 PM 1:10

COME NOW THE PLAINTIFFS who, for their claim for relief against the Defendants, allege and will show as follows:

PARTIES

1. Russell L. Bauknight is the court-appointed Trustee of the James Brown 2000 Irrevocable Trust and the Trustee of the James Brown Legacy Trust. Bauknight is also the court-appointed Successor Personal Representative of the Estate of James Brown, the celebrated entertainer, who died on December 25, 2006, a resident of Aiken County, South Carolina. Bauknight serves in each of these capacities pursuant to a Settlement Agreement approved by Order of the Aiken County Circuit Court dated May 26, 2009.

2. Bauknight brings this action as Trustee of the James Brown 2000 Irrevocable Trust (hereinafter "the Trust") and as Trustee of the James Brown Legacy Trust, and as Personal Representative of the Estate of James Brown (hereinafter "the Estate"), and on behalf of the beneficiaries of the Estate and the Trusts. Bauknight is hereinafter referred to as "Trustee Plaintiff."

3. The following are parties to this action by virtue of their being beneficiaries of the Estate of James Brown and/or the James Brown 2000 Irrevocable Trust and/or the James Brown Legacy Trust. These Plaintiffs will hereinafter be referred to as the "Beneficiary Plaintiffs" and include:

a. Henry Dargan McMaster in his capacity as the Attorney General for the State of South Carolina;

b. Tommie Rae Brown, individually and on behalf of her minor child, James Brown II;

c. Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown;

d. Lindsey Delores Brown;

e. Venisha Brown;

f. Deanna J. Brown Thomas;

g. Jason Brown-Lewis;

h. Yamma N. Brown, individually and on behalf of her minor children, Sydney Lumar and Carrington Lumar;

i. Larry Brown;

j. Tonya Brown; and

k. Terry Brown

4. Defendants were formerly Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust.

JURISDICTION AND VENUE

5. The Estate of James Brown is being probated in Aiken County, South Carolina.

6. The principal place of the administration of the Trust is Richland County, South Carolina. The Trustee maintains his usual place of business in Richland County, South Carolina. The records pertaining to the Trust are kept in Richland County, South Carolina.

7. Defendant Adele J. Pope is, upon information and belief, a resident of Newberry County. At all times pertinent to the matters alleged herein, Pope was a licensed attorney with her law office located in Richland County, South Carolina. During the time she served as a co-trustee of the James Brown 2000 Irrevocable Trust, she maintained her office and kept all documents relating to the Trust and the Estate in Richland County.

8. Defendant Robert L. Buchanan, Jr. is, upon information and belief, a citizen and resident of Aiken County, South Carolina. At all times pertinent to the matters alleged herein, he

was a licensed attorney. During the time he served as a co-trustee and co-personal representative of the Estate, Buchanan transacted substantial business in Richland County and derived substantial income from the administration of the Estate and the Trust in Richland County and participated in the maintaining of the Trust and Estate documents in Richland County.

9 The Probate Court has exclusive jurisdiction over the matters raised herein pursuant to S.C. Code Ann. §§ 62-1-302 and -7-201.

10. Venue in this matter is proper in Richland County, South Carolina pursuant to S.C. Code Ann. §§ 62-7-108 and -204.

FACTUAL ALLEGATIONS

11. A document purporting to be Mr. Brown's Last Will and Testament ("Will"), dated August 1, 2000, was filed with the Aiken County Probate Court on January 18, 2007. The Will nominated three individuals as Personal Representatives, namely, Albert H. Dallas, David G. Cannon, and Alfred A. Bradley, and they were appointed by the Probate Court by Order dated January 18, 2007. These same individuals were also appointed Trustees under a document purporting to create the James Brown 2000 Irrevocable Trust ("Trust").

12. Thereafter, a number of actions were filed in the Aiken County Probate Court in connection with the Will and Trust, all of which were removed to the Aiken County Circuit Court.

13. On or about September 24, 2007, the South Carolina Attorney General intervened in the Circuit Court actions to represent the interests of the charitable beneficiaries of the Trust.

14. On August 10, 2007, the Aiken County Circuit Court accepted Cannon's resignation as, *inter alia*, Personal Representative and Trustee. On November 20, 2007, the Aiken County Circuit Court accepted the resignations of Dallas and Bradley as Personal

Representatives and Trustees and appointed the Defendants Robert L. Buchanan, Jr. and Adele J. Pope as substitute Personal Representatives and Trustees.

15. Following additional litigation in the Aiken County Circuit Court, the Beneficiary Plaintiffs entered a comprehensive settlement resolving all their disputes and ending the litigation between them, which agreement was, after an extensive hearing, approved by the Aiken County Circuit Court by an Order entered on May 26, 2009. That Order also removed the Defendants as the substituted Personal Representatives and Trustees.

FOR A FIRST CAUSE OF ACTION
(Breach of Fiduciary Duty)

16. All allegations set forth above are incorporated herein.

17. As Personal Representatives and Trustees of the Estate of James Brown and the James Brown 2000 Irrevocable Trust, the Defendants owed fiduciary duties to the Estate, Trust and the beneficiaries of each (collectively "The Affected Parties"), including a duty of care, of impartiality, and of loyalty as well as a duty to prudently administer the probate and trust estates.

18. Upon information and belief, during their appointment as substitute Personal Representative and Trustee, the Defendants repeatedly and chronically breached their fiduciary duty to the Affected Parties in multiple ways, including but not limited to the following particulars:

a. Failing to properly manage the estate and trust;

b. Failing to engage necessary advisors and appropriate assistance to manage the estate and trust, causing, upon information and belief, millions of dollars of lost opportunities for the estate and trust;

c. Failing to use due diligence in pursuing business opportunities for the estate and trust;

d. Failing to use due diligence in determining the value of the estate, thereby making the estate vulnerable to millions of dollars in unnecessary and incorrect tax liability;

e. Mishandling an auction of personal property at great cost to the estate and trust;

f. Failing to timely settle the debts of the estate;

g. Failing to keep accurate accounting records for the estate and trust;

h. Engaging in self-dealing by paying themselves hundreds of thousands of dollars in fees, which left the estate and trust with a solvency crisis;

i. Failing to sell the assets of the estate and trust at a prudent time, for example, by failing to accept an offer to buy the estate and trust for $100 million in November 2007, as demonstrated by their own testimony under oath, while, upon information and belief, the current value of the estate is now worth tens of millions of dollars less;

j. Taking improper adversarial positions to the settlement entered into by the beneficiaries of the Estate and Trust and approved by the Circuit Court;

k. Failing to account to the Attorney General as required by law;

l. Wasting time and estate and trust assets engaging in federal court litigation which was personal to the Defendants rather than necessary to the administration of the estate and trust;

m. Refusing to follow the Circuit Court's instructions in executing the settlement agreement and fighting the settlement agreement despite their lack of standing and the fact that the settlement was approved by the Circuit Court as being in the best interest of the Estate;

n. Acting in bad faith, as evidenced by such actions as

i. filing a lengthy motion opposing the settlement even before they were informed of the terms of the settlement ;

ii. providing to the Internal Revenue Service a road map of the settling parties' plan to deal with tax issues, for no apparent purpose other than to sabotage the settlement agreement;

iii. Taking inconsistent legal positions for their own personal interests, such as asserting their right to continue as fiduciaries pending their appeals despite having taken the contrary position when their predecessors appealed, insisting that the settling parties give notice to noninterested persons when Defendants refused to do so whenever they sought relief (such as the payment of their fees), and contesting the settling parties' contention that the estate was in an emergency situation when they themselves had asserted that position shortly before;

iv. Despite being judicially estopped by the South Carolina Court of Appeals, asserting they have a right to prosecute the Trust's and Estate's claims against Dallas, Cannon, and Bradley.

o. Being unequipped and/or unwilling to conduct the administration of the estate, as they admitted by seeking the appointment of a special administrator to handle the administration because the estate was in an "emergency" situation, as further demonstrated by such breaches as:

i. Failing to understand the fundamentals of the operation of the music business, which constitutes the essential value of the trust and estate, and

failing to obtain proper advice, under the pretext of not being able to afford such advice despite paying themselves hundreds of thousands of dollars in fees;

ii. Failing to understand the basic operation of federal copyright law and its impact on the estate and its valuation, including but not limited to tax valuation;

iii. Failing to timely conduct due diligence, as demonstrated by their own testimony under oath that "2009 was the year of due diligence."

p. Engaging in conflicts of interest, such as

i. Paying themselves hundreds of thousands of dollars in fees while leaving the estate and trust virtually insolvent;

ii. Serving as both Personal Representatives and Trustees while a significant issue in the administration of the trust and estate was whether the trust or the estate owned certain assets.

iii. Continuing to conduct a vicious attack on the proposed settlement, upon information and belief, for the purpose of padding their own fees, which they claim to be $5 million.

q. By misrepresenting or presenting inaccurate statements under oath to the Court;

r. By failing to file appropriate tax returns;

s. By allowing statutes of limitations to run, thereby preventing opportunities for the estate and trust to receive reimbursement for music rights misappropriated by others;

t. By failing to comply with the requirements of the South Carolina Uniform Prudent Investor Act, including but not limited to the failure to implement an investment policy for the trust; and

u. Artificially inflating the reported value of the estate, without any substantiation, and without any consistency, for the purpose of justifying their claim for approximately $5 Million in fees.

19. Despite the terms of the Order of May 26, 2009, removing the Defendants as Personal Representatives and Trustees, the Defendants have nevertheless continued to breach their fiduciary duties to the Affected Parties by continuing to take actions harmful to the estate and trust and the interests of the Affected Parties, including but not limited to contesting the settlement by filing multiple appeals and objecting to substitution, all to the detriment of the Affected Parties and in violation of their fiduciary duty to the Affected Parties.

20. As a result of Defendants' breach of their fiduciary duties to the Affected Parties, the Plaintiffs are entitled to judgment against the Defendants for actual and punitive damages in such sums as may be proved at trial, together with prejudgment interest and interest on the judgment as provided by law, for attorney fees and the costs of this action, and for such other and further relief as may be provided by law.

FOR A SECOND CAUSE OF ACTION
(Breach of Trust)

21. All allegations set forth above are incorporated herein.

22. The acts and omissions of the Defendants constitute a breach of trust pursuant to S.C. Code Ann. § 62-7-1001(a).

23. As a result of Defendants' breach of trust, Plaintiffs are entitled to an order

a. compelling Defendants to redress the breach of trust by paying money, restoring property, or by other means as may be required to remedy the breach;

b. ordering the Defendants to account for all property of the Estate and Trust;

c. denying compensation to the Defendants for all services provided by them for work on behalf of the Estate or Trust;

d. such other relief as may be necessary to remedy the breach.

24. As a result of Defendants' breach of trust, Plaintiffs are entitled to judgment against the Defendants for damages in such sums as may be proved at trial, together with prejudgment interest and interest on the judgment as provided by law, for attorney fees and the costs of this action, and for such other and further relief as may be provided by law.

FOR A THIRD CAUSE OF ACTION
(Negligence)

25. All allegations set forth above are incorporated herein.

26. Defendants provided services to the Estate and Trust apart from, and in addition to the requirements for the administration of the Estate and Trust. In doing so, Defendants were obligated to provide such services in a reasonable manner, consistent with the applicable standard of care.

27. The acts or omissions of the Defendants in providing these services were careless, negligent, grossly negligent, willful, wanton, reckless, and in conscious disregard of the rights of the Affected Parties.

28. As a result of the Defendants' acts or omissions, the Affected Parties have incurred actual damages in the form of:

(a) loss, waste, or spoliation of the assets of the Estate and Trust;

(b) diminution in the present value and income generation of the Estate and Trust;

(c) diminution in the future stream of profit and income from the corpus of the Estate and Trust.

29. As a result of Defendants' negligent and grossly negligent acts and omissions, the Plaintiffs are entitled to judgment against the Defendants for actual and punitive damages in such sums as may be proved at trial, together with prejudgment interest and interest on the judgment as provided by law, for attorney fees and the costs of this action, and for such other and further relief as may be provided by law.

WHEREFORE, The Plaintiffs pray for a judgment against the Defendants for, relief as set forth above, actual and punitive damages in such sums as may be proven at trial, together with prejudgment interest and interest on the judgment as provided by law, for attorney fees and the costs of this action, and for such other and further relief as may be provided by law.

PLAINTIFFS DEMAND A JURY TRIAL.

Respectfully submitted,

SWEENY, WINGATE & BARROW, P.A.

/Kenneth B Wingate

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ATTORNEYS FOR THE PLAINTIFFS

Columbia, South Carolina
May 19, 2010

STATE OF SOUTH CAROLINA
In the Court of Appeals

FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable L. Casey Manning, Circuit Court Judge

Case No. 2010-CP-40-4900

RUSSELL L. BAUKNIGHT, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown

and

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; TOMMIE RAE BROWN, individually and on behalf of her minor child, JAMES BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN.....Plaintiffs,

v.

Adele J. Pope and Robert L. Buchanan, Jr. .....Defendants.

OF WHOM:
Adele J. Pope is the .....Petitioner.

PLAINTIFFS' MOTION TO DISMISS NOTICE OF APPEAL AND PETITION FOR WRIT OF PROHIBITION

Pursuant to the provisions of Rule 240(e), SCACR, the Plaintiffs respectfully request that this Honorable Court dismiss[1] Petitioner's Writ of Prohibition and notice of appeal.

INTRODUCTION & PROCEDURAL HISTORY

As this Court is aware from the Dallas and Cannon appeals wherein Adele Pope and Bob Buchanan (Pope and Buchanan) filed numerous contentious motions objecting to Mr. Bauknight's substitution, Pope and Buchanan were removed from their prior fiduciary positions on May 26, 2009, pursuant to the global settlement agreement and court order resolving the James Brown Estate and Trust litigation.

The underlying lawsuit concerns several serious breach of fiduciary duty claims filed by Plaintiffs—Tommy Rae Brown (James Brown's surviving spouse), the Brown children, the James Brown's Estate and Trust, and the South Carolina Attorney General—on behalf of the charitable beneficiaries against former Personal Representatives and Trustees Pope and Buchannan. When the James Brown Estate and Trust was turned over to Mr. Bauknight, it was unfortunately in a state of ruin. It had been mismanaged and was on the brink of insolvency. The mismanagement of the James Brown Estate and Trust included, but was not limited to, Pope and Buchanan's failure to conduct and obtain an estate valuation in order to properly ascertain the taxable estate, improperly paying themselves fiduciary fees, and failing to file required estate, trust, and other income tax returns. As a result of Pope and Buchanan's actions, the Estate and Trust have incurred significant damages for which the underlying lawsuit in this matter seeks redress.

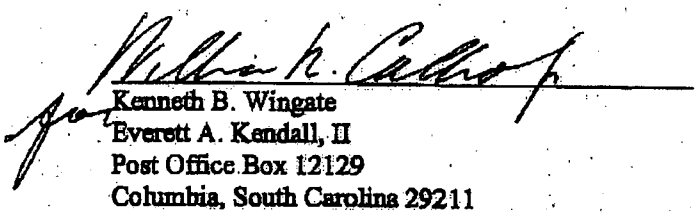
Pursuant to the South Carolina Probate Code, the underlying lawsuit was filed in Richland County Probate Court. Later, the case was removed to the circuit court pursuant to

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[1] Plaintiffs respectfully reserve the right to file a Return and a motion to dismiss on the merits.

of settled South Carolina law. Filed with the notice of appeal is a petition for a writ of prohibition seeking to prevent Plaintiffs from lawfully pursuing civil damages the Estate and Trust incurred from the previous negligent management of Petitioner (and Mr. Buchanan). Petitioner's request should be denied. Based on the foregoing reasons, the Court should dismiss the writ of prohibition and the appeal.

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ATTORNEYS FOR THE PLAINTIFFS

Columbia, South Carolina
February 28, 2011

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge
Case No. 2008-CP-2-1647

Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Daryl J. Brown, on behalf of his minor children, Lindsey B. and Janise B.; Deanna J. Brown Thomas, on behalf of her minor child, Jason L.; Yamma N. Brown, on behalf of her minor children, Sydney L., Carrington L., and Tonya B.; Vanisha Brown; Larry Brown; Tommie Rae Hynie Brown; and James B., through his Guardian ad Litem ..... Respondents,

v.

Albert H. Dallas, Alfred A. Bradley, and David G. Cannon, Individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; Adele J. Pope and Robert L. Buchanan, Jr., Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust; Terry Brown; Romunzo Brown; Forlando Brown; Cinnamon N.M. Paris; LaRhonda Petitt; Jeanette Mitchell; and Russell L. Bauknight, as Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust,

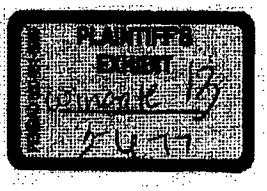
of whom Robert L. Buchanan, Jr. and Adele J. Pope, as Personal Representatives of the Estate of James Brown and Trustees of the James Brown
2000 Irrevocable Trust are ..... Appellants,

And Albert H. Dallas, Alfred A. Bradley, and David G. Cannon, Individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; Terry Brown; Romunzo Brown; Forlando Brown; Cinnamon N.M. Paris; LaRhonda Petitt; Jeanette Mitchell; and Russell L. Bauknight, as Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust are ..... Respondents.

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

MOTION TO SUPPLEMENT THE RECORD PURSUANT TO RULE 212(b), SCACR, OR IN THE ALTERNATIVE, TO TAKE JUDICIAL NOTICE OF RECORDS FILED IN A RELATED PROCEEDING

TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SOUTH CAROLINA SUPREME COURT:



Respondents respectfully request that this Court supplement the record of this appeal to include (1) Internal Revenue Service ("IRS") Federal Estate tax records that were received by Respondents after filing their initial brief on December 22, 2010, and that are related to the date of death valuation of the estate and the tax consequences of the settlement agreement and (2) the Supplemental Inventory and Appraisal of the James Brown Estate ("Estate") related to the date of death valuation and appraisal of assets for the Estate. In the alternative, this Court may take judicial notice of these documents as they were filed in the probate court or issued by the IRS in related proceedings.

FACTUAL BACKGROUND

This appeal presents a unique situation: it concerns an ongoing estate and trust that are continuing to be administered in the normal course of estate and trust administration, and matters relating to their ongoing administration are relevant to this appeal. Although the documents that Respondents seek to include in the record had not been prepared and were thus not available when the circuit court issued its May 26, 2009 Order approving the Settlement Agreement, the Supplemental Inventory and Appraisal should properly be considered in this appeal as it was filed as required by the South Carolina Probate Code in the ongoing probate proceeding, and the IRS tax records should properly be considered because they were created as a result of an independent IRS audit of the Estate.

The Supplemental Inventory and Appraisal and IRS tax records refute factual assertions that the Appellants make to support their legal positions before this Court. Because these documents provide *support* to the circuit court's decision to approve the settlement agreement, their inclusion in the record would neither undercut the circuit court's decision, nor hamper appellate review of it. *Cf. Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*,

368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006) ("Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide [the Court] with a platform for meaningful appellate review.").

ANALYSIS

In their brief, Appellants argue: (1) that the settlement will cause serious tax problems for the James Brown Estate and Trust (the "Estate and Trust"); and (2) without the aid of a professional appraisal, Appellants contend that the combined Estate and Trust are worth roughly $100 Million. Specifically, Appellants make the following misleading representations to this Court:

Tax Consequences:

- On page seven (7) of their brief, Appellants state that "the settlement would cause the loss of the estate tax deduction, resulting in about 50% taxes and interest."
- On pages thirty-eight to thirty-nine (38–39), Appellants devote a section of their brief to argue that the settlement will cause serious tax problems. They note that the "settling parties offered no evidence to refute the evidence of a likely tax disaster. Instead, their counsel reassured the court that they were 'dedicated' to preventing it." *Id.* at 39.

Valuation:

- On page five (5), footnote five (5), of their brief, despite never having obtained a professional appraisal, Appellants state that the late James Brown's assets have been valued at roughly $80–120 Million.
- On page thirty-two (32) of their brief, Appellants note that the trust could be funded with $100 Million.

See Final Brief of Appellants at pp. 5, 7, 32, 38-39.

Following the circuit court's approval of the Settlement Agreement and after Appellants entered their notice of appeal, Russell L. Bauknight ("Mr. Bauknight") engaged a nationally recognized firm to conduct the valuation and appraisal of the Estate and Trust. This is the first

professional valuation and appraisal of the James Brown music assets since James Brown passed away on Christmas Day 2006. The valuation and appraisal work is now complete. As required by S.C. Code Ann. § 62-3-706, Mr. Bauknight filed the Supplemental Inventory and Appraisal at the Aiken County Probate Court (Supplemental Inventory and Appraisal, Appendix R. pp. 1-6). To protect the Estate and Trust, Mr. Bauknight filed the Supplemental Inventory and Appraisal under seal.

Furthermore, following the circuit court's approval of the Settlement Agreement and after Appellants entered their notice of appeal, the IRS continued to conduct an independent audit involving the valuation of the James Brown Estate and Trust. The IRS Auditors reviewed all estate tax issues surrounding the James Brown Estate and Trust, including the tax consequences of the subject Settlement Agreement. The Respondents received the IRS Proposed Estate Audit Examination Report ("IRS Audit") on December 27, 2010. (IRS Proposed Estate Audit Examination Report, Appendix R. pp. 7-11). Respondents and the IRS agreed to all adjustments concerning the IRS Audit, and the Respondents received the Final IRS Estate Closing Letter ("Closing Letter") on January 31, 2011.[1] (Final IRS Estate Closing Letter, Appendix R. pp. 12-15). As noted above, the Respondents received each of these documents *after* filing their initial brief on December 22, 2010.

As noted in the IRS Audit, after reviewing the settlement agreement, the IRS specifically concluded that, pursuant to the Internal Revenue Code, the charitable deduction applied and that "[t]he charitable deduction has been calculated in accordance with the Settlement Agreement dated August 10, 2008, as amended March 3, 2009." (Appendix R. p. 11). Further, the IRS

[1] Because Appellants filed the initial tax return that was subject to the audit, the IRS as a matter of course separately notified the prior fiduciaries that the incorrect estate valuation had been corrected and that the audited return had been accepted. (Appendix R. pp. 13-14). Appellants have since informed Respondents that they disagree with the IRS Final Closing Letter.

Audit found that the marital deduction applied: "[t]he marital deduction has been calculated in accordance with the Settlement Agreement dated August 10, 2008, as amended March 3, 2009." (Appendix R. p. 10). Respondents argued in their brief that this deduction would apply and that it favored a finding that the Settlement Agreement was *just and reasonable*. Final Brief of Respondents, at 35-36. (The tax return previously filed by Appellants did not seek the marital deduction.) Finally, as noted in the Closing Letter, the Settlement Agreement resulted in zero tax liability to the Estate. (Appendix R. pp. 13-14).

The IRS Audit and Closing Letter show that the IRS rejected Appellants' contention that the settlement agreement will cause additional tax liability, but instead, that the Estate is owed a $10,000 federal tax refund due to Appellants' overpayment. (R.p. 2760 (Estate Accounting filed by Appellants, first entry on the page: "US Treasury – payment towards Estate Taxes . . . $10,000"); (Appendix R. p. 7 ("The report, though not final, shows that the estate is entitled to a refund."); (Appendix R. pp. 12-15 (adopting audit, accepting return, and making final determination that no estate taxes are owed: "0.00.")). Additionally, these documents further underscore Respondents position that the Appellants are not professional fiduciaries and are ill-equipped to manage the Estate and Trust.

The Supplemental Inventory and Appraisal, the IRS Audit, and the Closing Letter reveal that on the date of death, the James Brown Estate and Trust were actually valued at roughly $6.5 Million.[2] Referring to the intellectual property—royalty interests, reversions rights, etc.—the IRS Audit revealed that, "[v]aluation of these interests was corrected to fair market value based

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[2] The Supplemental Inventory and Appraisal accounts for only probate assets; it does not include the home of the late James Brown that is valued at roughly $1.2 Million. That is the case because at the date of his death, the Trust owned the home and trust assets are not considered probate assets. (The Trust still owns the home.) The date of death, gross estate value reported to the IRS included the home, as both probate and non-probate assets must be reported for tax return purposes. Accordingly, the Estate and Trust were valued at roughly $6.5 Million. (Appendix R. p. 10).

upon expert opinion and financial analysis"—that is, the independent professional appraisal authorized by Mr. Bauknight, as audited and accepted by the IRS. (Appendix R. p. 9). Consequently, the IRS rejected Appellants' prior inexpert notion that James Brown's royalty interests and reversion rights were worth approximately $84 Million dollars. Accordingly, the date of death valuation of these taxable interests was corrected from $84 Million to $4.697 Million.[3] (Appendix R. p. 9). This IRS finding, based upon its own independent review and valuation, directly and incontrovertibly refutes Appellants' contention that: (1) the Settlement Agreement will cause the Estate to lose the charitable deduction; (2) that the Settlement Agreement creates additional tax liability; and (3) that on the date of death the Estate was worth $80-120 Million dollars. Absent the inclusion of the Supplemental Inventory and Appraisal, the IRS Audit, and the Closing Letter, the Court is left with a factual and legally inaccurate probate and circuit court record.

Although these documents were not presented (could not be presented) to the circuit court because they did not exist at that time, this Court should consider the evidence. *See CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1330 (11th Cir. 2000) (noting "the inherent equitable power to allow supplementation of the appellate record if it is in the interests of justice"); *see also In re AOV Indus. Inc.*, 797 F.2d 1004, 1012 (D.C. Cir. 1986) ("Normally, of course, [courts] are not required to consider evidence presented for the first time on appeal . . . [but] [i]t is within the discretion of the court . . . , however, to make limited exceptions to this

[3] While this figure may appear low, it is the date-of-death value that controls for purposes of the Federal estate tax return and the probate inventory and appraisal. Furthermore, this final figure accurately accounts for the debts of James Brown including the outstanding bond executed by Mr. Brown during his lifetime whereby he exchanged the rights to his royalty stream for a lump sum payment of $26 Million. Once the bond debt is retired, the royalty stream will flow to the Settlement Entity where it will be apportioned among the settling parties—which includes the charitable trust that will fund scholarships to needy children attending schools in South Carolina and Georgia.

rule when 'injustice might otherwise result.'" (citing and quoting *Singleton v. Wulff*, 428 U.S. 106, 121 (1976)). Here it would appear unjust for this Court to rely on Appellants' assertion that the Settlement Agreement will cause additional tax liability to the Estate when the IRS has clearly rejected that contention. Accordingly, these documents are relevant to the current appeal, as they are official records of the Estate that contradict Appellants' misleading valuation and tax assertions contained within their brief.

CONCLUSION

As the IRS has independently concluded, the Settlement Agreement does not create additional tax liability to the James Brown Estate. In fact, the Settlement Agreement has reduced the tax liability to the James Brown Estate. Due to the nature of the underlying proceedings, the ongoing probate record on which Appellants' base their appeal must be considered. Absent a complete record, this Court does not have an accurate picture of the underlying probate proceeding. As a result, Appellants may inequitably benefit through their own fiduciary inaction in failing to properly value the Estate and in turn claiming a right to receive a $5 Million dollar commission[4] based upon their prior unsubstantiated position that the Estate was worth $80-120 Million.

Alternatively, Respondents would respectfully request that this Court take judicial notice of these records for they were filed in a lower court or issued by the IRS in a related proceeding. *See Ins. Comm'n of S.C. v. New S. Life Ins. Co.*, 270 S.C. 612, 635–36, 244 S.E.2d 289, 301 (1978). Furthermore, pursuant to Rule 208(b)(7), SCACR, because the IRS Audit and Closing Letter were received after Respondents filed their initial brief, it would appear appropriate for this Court to recognize the IRS records as supplemental authority to Respondents' brief.

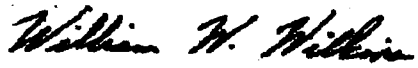
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[4] Appellants are presently pursuing a $5 Million dollar fee petition against the Estate and Trust based upon their incorrect representation that the Estate and Trust was worth approximately $80-120 Million. (R. pp. 2879-80).

Respectfully submitted,



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Attorney for Stephen M. Slotchiver, Guardian ad Litem for James Brown II

May 6, 2011

Columbia, South Carolina

RECEIVED
MAY - 6 2011
S C Supreme Court

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A Early, III, Circuit Court Judge
Case No 2008-CP-2-1647

Alan Wilson, in his capacity as Attorney General of the State of South Carolina, Daryl J Brown, on behalf of his minor children, Lindsey B and Janise B , Deanna J Brown Thomas, on behalf of her minor child, Jason L , Yamma N Brown, on behalf of her minor children, Sydney L , Carrington L , and Tonya B , Vanisha Brown, Larry Brown, Tommie Rae Hynie Brown, and James B , through his Guardian ad Litem Respondents,

v

Albert H Dallas, Alfied A Bradley, and David G Cannon, Individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust, Adele J Pope and Robert L Buchanan, Jr , Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust, Terry Brown, Romunzo Brown, Forlando Brown, Cinnamon N M Paris, LaRhonda Petitt, Jeanette Mitchell, and Russell L Bauknight, as Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust,

of whom Robert L Buchanan, Jr and Adele J Pope, as Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust are Appellants,

And Albert H Dallas, Alfred A Bradley, and David G Cannon, Individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust, Terry Brown, Romunzo Brown, Forlando Brown, Cinnamon N M Paris, LaRhonda Petitt, Jeanette Mitchell, and Russell L Bauknight, as Special Administrator and Special Trustee for the Estate of James Brown and the James Brown 2000 Irrevocable Trust are Respondents

In re The Estate of James Brown and The James Brown 2000 Irrevocable Trust u/a/d/ August 1, 2000

APPENDIX TO THE RECORD ON APPEAL

VOLUME 1 OF 1
(Pages 1-15)

INDEX

I	**EXHIBITS AND OTHER MATERIALS**	
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2	December 27, 2010 Internal Revenue Service Proposed Audit Examination Report	7
3	January 31, 2011 Internal Revenue Service Estate Closing Letter	12

STATE OF SOUTH CAROLINA)
) IN THE PROBATE COURT
COUNTY OF AIKEN)
) **INVENTORY AND APPRAISEMENT**
IN THE MATTER OF JAMES BROWN)
) CASE NUMBER 2007 ES02-0056

☐ ORIGINAL

☒ SUPPLEMENTAL # 1

Personal Representative(s) Russell L Bauknight

Decedent s Social Security Number [redacted] Was there a will? ☒ YES ☐ NO

Decedent s Date of Death 12/25/2006 Domicile at Death Aiken (county) SC (state)

The undersigned being sworn states That the following schedules contain a complete and accurate inventory and appraisement of all real and personal property of this estate so far as the undersigned is informed that he/she has estimated and/or appraised all listed property at its fair market value according to the best of his/her knowledge and abil ty

SWORN to before me this 3rd day of May 2011

Notary Public for South Carolina

My Commission Expires 5/22/12

Signature

Name Russell L Bauknight

Address PO Box 1330
Columbia, SC 29202

E mail

Telephone (O) 803 771 8943
(H)

Attorney Fred L Kingsmore, Jr

Address PO Drawer 2426
Columbia, SC 29202

E Mail

Telephone 803 253 8264

Signature

Name

Address

E mail

Telephone (O)
(H)

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

MAY - 4 2011

Deputy Clerk

For estates of decedents the gross fair market valuation of all assets regardless of situs should be given as of the date of death List all out-of state assets on appropriate schedules A Supplemental Inventory should be utilized for correcting adjusting or adding to an original Inventory A qualified and disinterested appraiser may be employed to ascertain the value of any asset, the value of which may be subject to reasonable doubt. If an appraiser is employed his/her name and address should be indicated with the item or items he/she appraised

Within ninety (90) days following appointment, a copy of the inventory and appraisement shall be sent to each interested person who requests it, and the original Inventory filed with the Probate Court.

RECAPITULATION

		Non Probate	Probate
Schedule A – Real Estate		$ 60,000 00	$ 0
Schedule B – Stocks and Bonds		0	202,000 00
Schedule C – Notes Due Decedent and Cash		0	138,565 00
Schedule D – Insurance on Person s Life	Part 1 Payable to Estat	0	0
	Part 2 – Payabl to Beneficiary	0	0
Schedule E – Jointly Owned Property		115,000 00	0
Schedule F – Other Miscellaneous		0	4,812 265 00
Other Assets Payable to Estate		0	0
Schedule G – Transfers during Decedent's life		0	0
Schedule H – Powers of Appointment		0	0
Schedule I – Annuities and Retirement Accounts		0	0
TOTAL GROSS VALUE		$ 5,327,830 00	
ENCUMBRANCES		(0 00)	
TOTAL NET WORTH		$ 5 327 830 00	

Filed May 4, 2011 @ 1 40pm
Sue H Roe
Judge of Probate
By K Griffin

Filed May 4 2011 @ 1 40 PM
Deputy Clerk

FORM #350PC (2/2004)
62 3 704 62 3 706 62 3 707 62-3-708 62 3-1203

SCHEDULE F –Miscellaneous Personal Property – tangible personal property employment bonus or award interest in a partnership or unincorporated business articles of collections having either artistic or intrinsic value etc. (If none so state) (For jointly owned property with right of survivorship see Schedule E.)

Item No	Description	Value
1	Jewelry and Furs (reported as item 5 on originally filed Inventory and Appraisement)	114,529 00
2	Royalty interests, persona, image, likeness and other intangible rights, etc.	4 697 736 00
	Item 2 reported above is based on valuation accepted in final audit settlement with the Internal Revenue Service and encompasses items previously reported on originally filed Inventory and Appraisement as Items 1 2 3 4 and 6 of Schedule F as well as certain assets previously reported on Schedule G net of all related debt.	

TOTAL SCHEDULE F $ 4,812,265.00
(also enter under recapitulation, page 1)

NOTE FOR SCHEDULES G H AND I LIST VALUES ONLY IF PAYABLE TO ESTATE.

SCHEDULE G –Transfers During Decedent's Life – Transfers intended to take effect at death United States Government Bonds Payable on Death Trust created by Decedent in which income for life was retained power to revoke or other incidents of ownership retained life insurance transfers Lifetime transfers of real property in which decedent retains a life estate or other incidents of ownership

Did Decedent make any transfer during lifetime as described above? ☒ YES ☐ NO

If "yes please give date and type of transfer and list total amount payable to estate
(if more space is required insert additional sheet of same size)

Decedent created and funded a trust during his lifetime No trust assets are payable to the Estate and therefore are not reported here

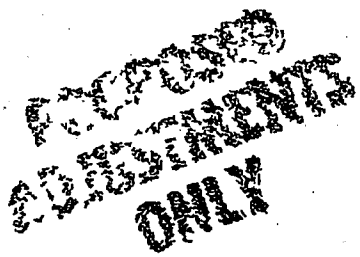
TOTAL SCHEDULE G $ 0 00
(also enter under recapitulation, page 1)

Form 886A (Rev 1/99)	Department of the Treasury Internal Revenue Service **Explanation of Items**	
Estate of James Brown	Social Security Number	Date of Death 12 25 2006

Schedule F, Other Miscellaneous Property

	Description	Shown on Return	As Corrected
2	Royalty Interests, Reversion Rights, etc	84 000,000	4,697 736
	Total of these items	84 000 000	4 697,736
	Shown on Return		84 000,000
	Change to schedule		<79 302 264>

Item 2 - Royalty Interests Reversion Rights Etc
Valuation of these interests was corrected to fair market value based upon expert opinion and financial analysis Adjustment is per section 2031 Internal Revenue Code



Form 886A Rev 3/88	EXPLANATION OF ITEMS	SCHEDULE NO II M
NAME OF TAXPAYER	Estate of James J. Brown **DRAFT**	DATE of DEATH 12/25/2006

SCHEDULE M - MARITAL DEDUCTION	PER RETURN	CORRECTED
Item 1 - Marital Share under Estate Settlement Agreement	$0	$1,128,775
CHANGE TO RETURNED AMOUNT	1,128,775	XXXXXXX
COMPUTED MARITAL DEDUCTION	$1,128 775	$1 128,775

The marital deduction has been calculated in accordance with the Settlement Agreement dated August 10, 2008, as amended March 3, 2009
Adjustment is per section 2056, Internal Revenue Code

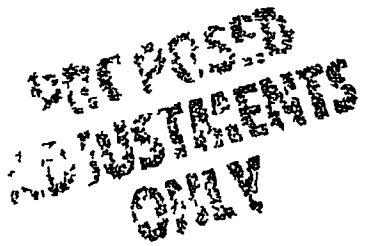
* * * * * * * * * * * * * * * * *

DRAFT 12/23/2010

Item 1 Computation of Marital Share per Settlement Agreement, Approved By Court May 26, 2009

Gross Estate, Including Assets of James Brown Trust u/a/d August 1, 2000			$6 542 830
LESS	Administrative Expense, Schedule J	$525,000	
	Debts - Schedule K	64,373	
	Mortgages & Liens, Schedule K	0	
	Expenses Non claim prop - Schedule L	0	
	Federal Estate Taxes	0	
	State Death Taxes	0	
		$589,373	(589 373)
Residuary Share Computation Amount			5,953 457
	Gross Percentage to Spouse	23 7500%	
	LESS Share of James Joseph Brown, II	-4 7900%	
Net Percentage to spouse		18 9600%	18 9600%
Computed Amount to Spouse			$1 128 775

DRAFT 12/23/2010



Form 886A Rev 3/88	EXPLANATION OF ITEMS	SCHEDULE II O
NAME OF TAXPAYER	DRAFT	DATE OF DEATH
ESTATE OF James J Brown		12/25/06

SCHEDULE O - CHARITABLE DEDUCTION	PER RETURN	CORRECTED
Item 1 - Bequest of Residuary to Charitable Trust, computed below	$83,369 981	$5 953 457
LESS Federal Estate Tax	In above	In above
LESS -State Death Taxes	In above	In above
SUBTOTAL	83,369,981	5,953,457
INCREASE/DECREASE TO AMOUNT SHOWN ON RETURN	(77,416,524)	xxxxx
	$5,953,457	$5 953,457

The charitable deduction has been calculated in accordance with the Settlement Agreement dated August 10, 2008, as amended March 3, 2009
Adjustment is per section 2055, Internal Revenue Code

COMPUTATION OF TRUST RESIDUE			
Gross Estate			$6 542 830
LESS Administrative Expenses, Schedule J		$525,000	
Debts, Sch K		$64 373	
Mortgages & Liens, Sch K		$0	
Marital Deduction, Schedule M		$0	
Federal Estate Taxes		$0	
State Death Taxes		$0	
		$589 373	($589,373)
Residuary Share Computation Amount	0		$5,953 457
Percentage to Charitable Trust			47 5000%
Computed Amount to Charitable Trust			$2,827,892

PROPOSED
DRAFT
12/23/2010

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH CIRCUIT

RUSSELL L. BAUKNIGHT, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown

and

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; TOMMIE RAE BROWN, individually and on behalf of her minor child, JAMES BROWN II; DARYL J. BROWN, individually and on behalf of his minor child JANISE VANISHA BROWN; LINDSEY DELORES BROWN; DEANNA J. BROWN THOMAS; JASON BROWN-LEWIS; YAMMA N. BROWN, individually and on behalf of her minor children SYDNEY LUMAR and CARRINGTON LUMAR; TONYA BROWN; VENISHA BROWN; LARRY BROWN; and TERRY BROWN,

Plaintiffs

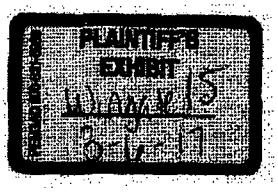
v.

Adele J. Pope

Defendant

Civil Action No. 2010-CP-40-4900

PLAINTIFFS' MOTION TO STRIKE DEFENDANT POPE'S OFFERS OF JUDGMENT



TO: ADAM SILVERNAIL, ESQUIRE, AND DARYL WILLIAMS, ESQUIRE, ATTORNEYS FOR DEFENDANT POPE, AND TO THE DEFENDANT ABOVE-NAMED:

YOU WILL PLEASE TAKE NOTICE that Plaintiffs intend to move, and do hereby so move, for an Order from the Court striking the following "Offers of Judgment" filed by Defendant Pope in this matter:

1. Defendant Pope's Offer of Judgment to Lindsey Delores Brown and Janise B. (attached hereto as Exhibit A).

2. Defendant Pope's Offer of Judgment to the South Carolina Attorney General and Russell Bauknight as Agent for the South Carolina Attorney General (attached hereto as Exhibit B).

3. Defendant Pope's Corrected Offer of Judgment to Lindsey Delores Brown and Janise B. (attached hereto as Exhibit C).

4. Defendant Pope's Offer of Judgment to Tonya Brown (attached hereto as Exhibit D).

5. Defendant Pope's Offer of Judgment to Daryl Brown (attached hereto as Exhibit E).

6. Defendant Pope's Offer of Judgment to Russell Bauknight (attached hereto as Exhibit F)

7. Defendant Pope's Offer of Judgment to Terry Brown (attached hereto as Exhibit G).

8. Defendant Pope's Offer of Judgment to Jason Brown-Lewis (attached hereto as Exhibit H).

9. Defendant Pope's Offer of Judgment to Tommie Rae Hynie Brown (attached hereto as Exhibit I).

10. Defendant Pope's Offer of Judgment to Venisha Brown (attached hereto as Exhibit J), and

11. Defendant Pope's Offer of Judgment to Carrington L.(attached hereto as Exhibit K).

12. Defendant Pope's Offer of Judgment to Sydney L. (attached hereto as Exhibit L).

13. Defendant Pope's Offer of Judgment to Deanna Brown Thomas (attached hereto as Exhibit M).

14. Defendant Pope's Offer of Judgment to the Estate of James Brown (attached hereto as Exhibit N).

15. Any other offers that have been served - or may soon be served - on any Plaintiff in this matter.

This Motion is made pursuant to Rule 12(f) of the South Carolina Rules of Civil Procedure, and is based upon the fact that these offers contain material that is "redundant, immaterial, impertinent or scandalous". These offers are also improper and do not comport with the requirements of Rule 68 of the South Carolina Rules of Civil Procedure. Plaintiffs requests that the Court strike these offers from the record in this matter, and that the Court award Plaintiffs the fees and costs associated with responding to these offers and making this Motion, as well as any other relief the Court deems just and proper. Plaintiffs reserve the right to supplement with Memorandum of Law.

Respectfully submitted,

SWEENY, WINGATE & BARROW, P.A.

Kenneth B. Wingate
Mark V. Gende
Aaron J. Hayes
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
(803) 256-2233

ATTORNEYS FOR THE PLAINTIFFS

Columbia, South Carolina

August 13, 2012

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND RUSSELL L. Bauknight, as Trustee, and others and HENRY DARGAN McMASTER and others Plaintiffs, v. Adele J. Pope, Defendant	) IN THE COURT OF COMMON PLEAS)))) Case No.: 2010-CP-40-4900))) ADELE J. POPE'S) OFFER OF JUDGMENT TO) THE SOUTH CAROLINA ATTORNEY) GENERAL AND RUSSELL L. BAUKNIGHT) AS AGENT FOR THE SOUTH CAROLINA) ATTORNEY GENERAL[1])))

TO: PLAINTIFFS ATTORNEY GENERAL OF SOUTH CAROLINA ("AG") AND RUSSELL L. BAUKNIGHT AS PURPORTED AGENT OF THE ATTORNEY GENERAL OF SOUTH CAROLINA ("Bauknight") AND SWEENEY, WINGATE AND BARROW, PA. ("WINGATE") THEIR PURPORTED ATTORNEYS :

Pursuant to South Carolina Code §15-35-400, Rule 68 of the South Carolina Rules of Civil Procedure, and all other applicable law, Defendant Adele J. Pope ("ADELE") proffers an Offer of Judgment in the above-referenced matter as set out below:

If pursuant to said rule and law, the Offer is not timely accepted and the judgment against said Defendant Pope is less than the above proffer, said Defendants shall seek from Plaintiffs all expenses and costs under South Carolina Code §15-35-400, Rule 68 of the South Carolina Rules of Civil Procedure, the South Carolina Trust Code, and all other applicable law, along with interest as provided under Rule 68(b).

EXHIBIT B

[1] Pope does not waiver her continuing objections to the Attorney General's participation in this suit, Bauknight's purported agency, or Wingate's purported representation of the AG.

RECITALS

1. On or about May 19, 2010 Wingate commenced this action naming as two of the Plaintiffs former AG Henry McMaster and Bauknight as agent for AG McMaster.

2. Pope has repeatedly and consistently asserted, and asked the Court to rule, that Wingate has no authority to serve as sole counsel for the AG while serving the interest of private Co-Plaintiffs in this Case, and that Bauknight has no authority to serve as Agent for the AG.

3. In January 2011 AG Alan Wilson succeeded AG McMaster as Attorney General of South Carolina.

4. Since then Wingate and Bauknight have asserted that Wingate serves as sole counsel to, and Bauknight agent for, AG Wilson, to which Pope has objected.

5. Pope's request to enjoin Wingate from serving as sole counsel to the AG while serving the interests of private non-residents of SC, and to enjoin Bauknight from asserting he is the AG's agent, has been denied by Order dated July 5, 2012 (received on July 17, 2012).

6. By Order dated November 22, 2011, at the request of AG Wilson, a Newberry Case in which Pope sought documents under the S.C. Freedom of Information Act ("FOIA") was consolidated but not merged with this Case by direction of The Hon. Frank R. Addy, stating, in part:

> 1. The Defendant (AG Wilson) . . . will answer Plaintiff's complaint.
>
> 2. At the conclusion of the pleadings phase. . . this matter will be consolidated with *Bauknight v. Pope*, 2010-CP-40-04900 (Richland 2010);
>
> 3. Any motions. . . including an oral motion to intervene by an arguably

interested party, will be taken up by Richland County.

4. Any claim to attorney's fees, as permitted under the [FOIA], will be preserved for resolution by the Richland County Court.

7. The oral motion referenced by Jg. Addy was Wingate, for Tommie Rae Hynie and certain others to intervene in the FOIA Case and prevent release of the McMaster/Wingate contingency fee contract for Wingate to sue Pope in this Case.

8. Since November 2011 various issues and potential issues have arisen which make the action sought herein prudent.

Terms of Settlement

Attorney General Alan Wilson and Russell L. Bauknight in has capacity as agent for Attorney General Wilson and former Attorney General Henry McMaster, with Adele J. Pope, shall submit a Consent Order of Dismissal of Parties which states the following, or any similar language requested by Attorney General Wilson and approved by Pope.

The Parties having resolved their differences in this Case, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Case #2011-CP-36-379 in which Pope seeks documents under the South Carolina Freedom of Information Act ("FOIA"), which was consolidated but not merged with this case, is hereby severed.

2. The Dismissal herein shall not apply to the FOIA Case.

3. The Attorney General of South Carolina is hereby dismissed, without prejudice, as a party to this Case.

4. Russell L. Bauknight as agent for the Attorney General of South Carolina, is hereby dismissed, with prejudice, as a party to this Case.

5. The caption of this Case is hereby amended to delete dismissed parties as shown above. [Caption in the Order will remove McMaster, Wilson and all

references to the AG or Bauknight as his agents].

6. The parties are directed to use the above caption in all future filings in this Case.

7. This Order shall not be construed to impair or limit the right of The Honorable Alan Wilson to protect The James Brown "I Feel Good" Trust, including but not limited to seeking to intervene in this Case.

AND IT IS SO ORDERED.

Respectfully submitted,

Daryl L. Williams
Jeter & Williams, P.A.
1204 Main Street, Suite 200
Post Office Box 7425
Columbia, South Carolina 29202
Telephone: (803) 765-0800
Facsimile: (803) 765-0619

Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
1218 Taylor Street
Post Office Box 1898
Columbia, South Carolina 29202-1898
Telephone: (803) 779-1770
Facsimile: (803) 403-8092
adam@silvernaillawfirm.com

July 18, 2012

Attorneys for Defendant Adele J. Pope

Exhibit 2

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF AIKEN	)	**NOTICE OF DISALLOWANCE OF CLAIM**
	)	
IN THE MATTER OF: JAMES BROWN		CASE NUMBER: 2007 ES02 0056

TO:

Name: Adele J. Pope
Address: 1228 Walnut St.
Newberry, SC 29108-3554

The undersigned, as the Special Administrator, appointed to administer this estate, disallows all of your claim for $4,993,151, plus any requests for attorney's fees, costs or other ancillary costs associated with your claim presented on July 17, 2009.

Your claim was disallowed for the following reason(s):

This claim was filed jointly with Robert L. Buchanan, Jr., who has settled his claim against the estate. You only served as Co-Personal Representative and Co-Trustee of the James Brown 2000 Irrevocable Trust for a relatively short period of time. During the period of approximately 18 months that you served as Co-Personal Representative and Co-Trustee, there is no way that $4,993,151.00 in fees and commissions could have been legitimately earned. The affidavits you submitted to substantiate your claim describing the hours you spent in these roles confirm this. Further, your claim is based on an overinflated, unsubstantiated and self-serving valuation of the probate estate as of the date of Mr. Brown's death.

You petitioned the court and obtained an Order dated January 8, 2008 allowing payment to yourself and Mr. Buchanan toward your commissions for service as Special Administrators in the amount of $317,000, plus costs. This payment may now be subject to disgorgement pursuant to the Supreme Court's opinion in this matter dated May 8, 2013, in which the Court found that you were properly removed as Co-Personal Representative and Co-Trustee for cause.

This claim is disallowed on the basis that the requested fees and commissions were not earned and therefore are not due and owing, and further that the Estate is entitled to an offset for any damages suffered as a result of any maladministration during your service as Co-Personal Representative and Co-Trustee.

Failure to protest this disallowance of your claim, (that is, failing to file your petition for its allowance (form #373PC) in the Probate Court and failing to commence a proceeding on the claim within thirty days after the service of this Notice of Disallowance of Claim), shall result in your claim or the disallowed portion of your claim being forever barred.

Executed this 29th day of May, 2013.

Signature: _____
Name: Russell L. Bauknight
Address: 1517 Gervais St.
Columbia, SC 29201
E-mail: rbauknight@bpscpas.com
Telephone (O): 803.771.8943
Telephone (H): _____

STATE OF SOUTH CAROLINA)
) IN THE PROBATE COURT
COUNTY OF AIKEN)

Adele J. Pope,) Estate File No. 2007-ES-02-0056

Plaintiff,

v.

Estate of James, Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort,* and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust,

Defendants.

AND:

Robert L. Buchanan, Jr.,
Interested Party.

SUMMONS

(Jury Trial Requested)

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS COURT WITNESS MY HAND AND SEAL OF THE COURT THIS THE 11 DAY OF JUNE A.D. 2013
JUDGE OF PROBATE FOR AIKEN COUNTY, S.C.
BY _____ CLERK

TO: ALL DEFENDANTS AND THE INTERESTED PARTY NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint to Void Appointment and Notice of Disallowance; for Review and Direction to Pay Commissions and Fees under *Wilson v. Dallas;* Remove Bauknight; Require EmergencyAppointment of Litigation SA/ST to Prevent Further Damage by Bauknight in *Wilson v. Dallas* and Related Cases; for Accounting; And for Related Relief, a copy of which Complaint is herewith served upon you, and to serve a copy of your Answer to the said Petition upon Plaintiff at 1228 Walnut Street, Newberry, South Carolina, within Thirty (30) days after the service hereof upon you, exclusive of the day of such service; and if you fail to appear and defend, judgment by default will be rendered against you for the relief demanded in the Complaint.

Adele J. Pope, *Pro se*
Plaintiff
1228 Walnut Street
Newberry, South Carolina, 29108
803/413-0753
SC Bar #4501

June 8, 2013

Filed: 06-10-2013
Sue H. Roe
Judge of Probate
By: _____

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF AIKEN	)	
	)	
Adele J. Pope,	)	Estate File No. 2007-ES-02-0056
	)	
Plaintiff,	)	
	)	
v.	)	Complaint[1] to Void Appointment and Notice of Disallowance; for Review and Direction to Pay Commissions and Fees under *Wilson v. Dallas*; Remove Bauknight; Require Emergency Appointment of Litigation SA/ST to Prevent Further Damage by Bauknight in *Wilson v. Dallas* and Related Cases; for Accounting; And for Related Relief
Estate of James, Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust,	)	
Defendants.	)	(Jury Trial Requested)
	)	
AND:	)	
	)	
Robert L. Buchanan, Jr.,	)	
Interested Party.	)	

Plaintiff Adele J. Pope ("Adele"), responding to the Notice of Disallowance served on her on May 29, 2013, attached hereto as Exhibit A (the "Notice"), and in order to protect the noble Estate Plan of James Brown to leave his entire $100 Million worldwide music empire to the "I Feel Good" Private Foundation to provide scholarships for needy students, would respectfully show this Court:

[1]See also Petition for Allowance, attached hereto and incorporated herein as Exhibit 1.

Filed: 06-10-2013
Sue H. Rob
Judge of Probate
By: [illegible]

Summary of Relief Requested

One month after the historic May 8 *Wilson v. Dallas*[2] decision restored $50 Million to James Brown's "I Feel Good" Private Foundation, those seeking to destroy Brown's plan to leave his worldwide music empire for the education of needy students are poised to try again to take Brown's assets. They do so with fabrications about:

1. Their status as James Brown's heirs;

2. The value of James Brown's worldwide music empire, which they had a right to buy under the voided settlement and claimed was worth less than $4.7 Million;

3. The Federal Copyright Act and their claimed termination rights under the Act.

4. Their importance and Bauknight's – rather than a recognition that Brown's $100 Million music empire was the result of James Brown's genius and hard work.

For four years Russell Bauknight ("Russell") has been their voice and the enforcer of their false claims. He has asserted without basis that Brown's companion Tommie Rae was his spouse and her elective share claim a "slam dunk." He has claimed Brown's worldwide music empire was worth less than $4.7 Million.

The *Wilson v. Dallas* decision voided the settlement and cleaned the slate. Russell's May 29 Disallowance to Plaintiff suggests he learned nothing from that decision. Russell's damage to Brown's Estate Plan must be stopped. His authority should be voided. He should account for his acts. An SA/ST to represent the Estate/2000 Trust under the Will and Trust in pending litigation is needed immediately.

[2]See Exhibit 3 for information about Cases which are referred to herein with short names.

For A First Cause of Action
(Voiding Appointment, Settlement and Notice and Granting of Claims)

Parties

1. Plaintiff, on information and belief, has standing to bring this Case, and seeks all relief the Notice purports to disallow, and otherwise requested by her in this and other Brown cases, for at least the following reasons:

a. Under Order of the Honorable Doyet A. Early, III, dated January 8, 2008 (the "January 8 Order"), she is entitled to a liquidated amount, with interest.

b. She is entitled, by equitable offset, to the share of Forlando in the 2000 Trust and some or all of Terry's interest in the Estate in the Forlando Suit.

c. She has special status under S.C. Trust Code § 62-7-405(c) as an "other" to enforce the "I Feel Good" Trust as set out in 2000 Trust and backup 1999 Trust.

d. Russell's conflicts, claimed less-than $4.7 Million of Brown's $100 Million worldwide music empire and failure to account jeopardize the Estate/2000 Trust.

e. By Order dated April 8, 2008, Jg. Early held that any Interested Person may seek the appointment of a special fiduciary as needed, and one is needed now.

f. Russell's SA/ST appointments are in question; if secured were secured *ex parte*; violated Due Process; were for improper purposes; and should be voided.

g. As a creditor Adele, under the S.C. Probate Code, has authority, and seeks, the formal probate of Brown's 1999 Will as a backup to the 2000 Estate Plan.

h. Russell's alliance with Tammie Rae and Forlando/Terry prevents his defense of the Will, required by *Franklin v. Chavis*, 371 S.C. 527, 640 S.E.2d 873 (2007).

i. This case now stands – alone or consolidated with the Dallas Claims Case – as the appropriate and efficient forum under *Wilson v. Dallas* to determine:

(1). The Fiduciary Commissions, if any,of: Russell; Adele; Bob, Albert "Buddy" Dallas ("Buddy"); David Cannon ("Cannon") and Al Bradley ("Al");

(2). The payment/disgorgement of attorneys' fees paid or promised by Russell;

(3). The payment of attorneys who served Bob and Adele [See Exhibit 4].

j. Plaintiff seeks to enforce "I Feel Good" Trust, a matter of public importance.

k. An SA/ST is needed to protect the Will/2000 Trust in the Forlando Suit.

l. An SA/ST is necessary for Case 4900 because of Russell's multiple conflicts.

m. An SA/ST needs to appoint GALs for minors, which Russell refuses to do.

n. An SA/ST is needed to stop Russell's improper intervention in FOIA cases.

o. An SA/ST is essential because Russell has:

A. Attempted to commit the Estate/2000 Trust to the fabricated position Tommie Rae was Brown's spouse and her non-DNA-tested son his son.

B. Worked to retain 5-year-old Gag Orders which prevent discussion of the widely-known contents of the so-called Hynie "Diary.

C. Attempted to bind the Estate/2000 Trust to the fabricated position that the at-death value Brown's music empire was less than $4.7 Million.

D. Attempted to conceal that Jeanette, Lisa, LaRhonda and Nicole are DNA-proven or presumed heirs under the Federal Copyright.

E. Applied the vast resources of James Brown's music empire to employ an army of attorneys to bolster Tommie Rae's positions.

F. On information and belief, formed JB BIOPIC, LLC , JBIP Investments, LLC and/or other entities without providing copies of same to the AG.

G. Proposed payment to/paid from the Estate/2000 Trust attorneys for himself, Tommie Rae, the Cannon Group & others of $20+ Million.

2. Defendant Estate of James Brown, on information and belief, is the entity created and controlled by Brown's Will dated August 1, 2000 (the "Will") to:

a. Vigorously defend the Estate Plan (and the backup 1999 Estate Plan).

b. Under the Estate Plan and applicable law, pay only fiduciaries and and their counsel who have worked to preserve and protect the Estate/Estate Plan.

c. Under the mandate of *Wilson v. Dallas*, require all fiduciaries and counsel in that and related cases who do not meet the above standard not be paid.

3. Defendant James Brown 2000 Irrevocable Trust (the "2000 Trust"), on information and belief, was created and funded by Brown on or about August 1, 2000 as the vehicle by which Brown gave his $100 Million empire to education, as follows:

a. A $285,000 education Trust for each of 7 designated grandchildren; and

b. The remainder for scholarships for needy S.C. and Georgia students.

c. To be run by 3 private Trustees obligated to vigorously defend the Estate Plan against all challenges -- to be removed if they failed to defend the Estate Plan.

d. Consistent with the 2000 Trust and *Wilson v. Dallas*, to pay only fiduciaries and their attorneys who have protected and defended the Will/2000 Trust.

4. Defendant Russell acted as PR/Trustee under the Will/2000 Trust from May 26, 2009 until May 8, 2013 when *Wilson v. Dallas* declared his appointment void. On information and belief, during such time he used the Estate/2000 Trust to litigate for the benefit of Tommie Rae, Terry/Forlando, and others, and against the Will/2000 Trust .

5. Interested Person Bob is a necessary party to this action because:

a. Bob and Adele acted jointly in their service as SAs, then PR/Trustees, and in their continued defense of the Estate Plan until May 8, 2013.

b. Bob and Adele jointly filed the Claim which is the subject of the Notice;

c. Russell's Notice references a "settlement" which, on information and belief, should be declared void because Russell paid $500,000 which Bob was owed and should retain, to extract more than$250,000 of benefits for Tommie Rae, himself and others.

d. With Adele, Bob has pending counterclaims against Forlando and possibly Terry's interest in the Estate, now owned by Forlando.

Background Facts - James Brown

6. The messy personal life of entertainer James Brown provides a stark contrast to the perfection of his performances, and also to his carefully crafted Estate Plan.

7. As stated by all his acknowledged children and Tommie Rae in Case 4900:

> It was James Brown's "often stated and well known desire" to create a charitable trust to benefit students in South Carolina and Georgia. *See Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss*, dtd. 8/27/10, in Case No. 2010-CP-40-4900.

8. And by grandson Forlando in the Forlando Suit:

> James Brown recognized the value of education and wished that he had been able to obtain more of an education during his life. James Brown constantly advocated the value of education throughout his lifetime. The [2000] Irrevocable Trust reflects James Brown's wishes to provide those in need with the opportunity to receive an education. *See Complaint*, dtd. January 2, 2008..

9. In addition to the six children Brown acknowledged, he had daughter (1) Lisa with Velma, his first wife; and 3 DNA-proved daughters: (2) LaRhonda; (3) Nicole; and (4) Jeanette.

10. James Curtis and others also claim Brown fathered them.

11. Brown and his third wife Adrienne Rodriguez were devoted, but their relationship was tempestuous, and included drug-fueled public fights. In 1996 when Adrienne died Brown was devastated.

12. In 1996 Brown began working to put in place his dream to leave his entire music empire to the "I Feel Good" private foundation to educate needy students.

13. During this period daughter Deanna – who was helping Brown gather information for his Estate Plan – was instrumental in having Brown committed for addiction issues. Brown was furious.

14. By 1998 Tommie Rae, concealing her marriage, began an on-again, off-again professional and private relationship with Brown.

15. By July 11, 1999, after decades of problems and legal battles with

publishers, family and others Brown's had amassed a $100 million music empire.

16. On June 11 Brown borrowed $26 Million from the New York Teachers ("TIAA"), securing the note with his royalties from more than 800 songs.

17. When Brown died in 2006 the TIAA loan had been reduced to about $15 Million. It was fully paid in 2011.

18. On information and belief, a disgruntled former manager claims Brown was high at the TIAA closing, but 10 New York attorneys and investment bankers working on the deal never questioned Brown's signing for himself or his company, JBE, Inc.

19. Four days later, on June 15, 1999, Brown executed his first Will and Trust to create the "I Feel Good" Foundation.

20. Brown named Deanna one of his PRs and under a POA with Buddy, Cannon and Al ("the Cannon Group") under his POA, not as a trustee.

21. By 2000 Brown had decided to make minor modifications in his Estate Plan and to make the trust which created his "I Feel Good" Foundation irrevocable. The 2000 Trust also expanded scholarships under the "I Feel Good" Foundation to students studying in South Carolina and Georgia. The 1999 "I Feel Good" Trust limited scholarships to U.S.C. Aiken, Voorhees College and U.S. C. Salkehatchie.

22. In early 2000 Brown met with attorney Dewain Herring, Esq. and others and made a voice tape of his intentions, but delayed signing the Estate Plan to re-read it.

23. On August 1, 2000, Brown's signed the Will and 2000 Trust at his Beech Island Mansion with Venisha and Tommie Rae – among others – present.

24. Tommie Rae signed a related document, as "the future Mrs. ..Brown."

25. Both the 1999 and 2000 Estate Plans excluded all of Brown's children,

even the 6 he acknowledged, and all past and future spouses, from the Trust.

26. Brown signed documents to transfer JBE, Inc. to the 2000 Trust, but Buddy failed to complete the paperwork. Brown deeded his home estate to the 2000 Trust.

27. A Memorandum of Trust was filed in Aiken Cty, and Richmond County (Augusta), Georgia.

28. The Cannon Group actively managed the 2000 Trust for seven years.

29. In the summer of 2000, according to Buddy, Tommie Rae and Brown separated. She returned at Thanksgiving, and her child was born in June 2001.

30. Tommie Rae's child, who has refused official DNA testing, and is the only claimed child born after Brown's vasectomy. According to then-physician Rita Udom, Brown was physically unable to father a child at the time.

31. In late 2001 Tommie Rae executed a prenuptial agreement with Brown; concealed her marriage to obtain a license; and conducted a ceremony with Brown.

32. In 2002 Deanna and Yamma sued Brown for $1 Million over royalties related to 23 songs. They asserted that Brown had omitted them from his Estate Plan.

33. By 2003 Cannon had taken $5 Million directly from Brown's TIAA proceeds and another $10 Million from a Morgan Stanley accounts holding TIAA proceeds.

34. In 2003 Buddy discovered that Tommie Rae was married. They separated.

35. In 2003 Buddy wrote Cannon that Tommie Rae said she would provide documents showing her Nevada divorce in six weeks. The documents did not come.

36. In January 2004 Tommie Rae sued in Charleston, S.C. to annul her marriage, although neither she nor her husband ever lived there. He was not personally served.

37. In 2004 Brown sued Tommie Rae to void his ceremony with her.

38. In March 2004 Robert Rosen, Esq. ("Robert"), Tommie Rae's attorney, notified Brown's attorney, that he had filed a $5 Million suit against Brown.

39. In June 2004 Tommie Rae counterclaimed in Brown's suit and sought separate maintenance and support for her child.

40. In July 2004 Brown asked for DNA testing of Tommie Rae's child.

41. On July 17, 2004 Brown's case against Tommie Rae settled. She agreed never to claim to be Brown's common law spouse. The Order said they were living together. There was no provision for her child.

42. From 2003 until his death Brown refused to marry Tommie Rae. According to Wayne Byrd, Esq. and others Tommie Rae's handwritten notes made after the settlement – subject to 5-year-old Gag Orders – provide valuable support for the Estate/2000 Trust's position that Tommie Rae was not Brown's spouse and knew it.

43. In 2006, using the POA, Deanna and Cannon picked up Brown's Estate Planning file from attorney Allan Fulmer, Esq. Brown's separate estate plans – 4 separate documents – set out Brown's desire to give his entire music empire to educate needy and deserving students. They are briefly described as follows:

a. 1999 Estate Plan - Revocable Trust and Pour over Will, together leaving:

1. Personal/Household effects, LESS Estate Taxes payable on them ("PHE") to Daryl, Terry, Larry, Venisha, Deanna & Yamma;

2. $285,000 education fund for each of: (G1) Forlando; (G2) Romunzo; (G3)Jason; (G4) Janise (G5) Lindsey; (G6) Sydney; (G7) Carrington;

3. Remainder to The James Brown "I Feel Good" Trust to be used solely for scholarships for needy students at Voorhees, U.S.C. Aiken, and U.S.C. Salkehatchie.

b. 2000 Estate Plan - *Irrevocable* Trust and Pour-over Will, together leaving:

1. PHE to same 6;

2. $285,000 education fund to each of same 7 grandchildren;

3. Remainder to "I Feel Good" Trust, solely for scholarships for needy students studying in South Carolina and Georgia.

44. In the summer of 2006, according to Buddy, he, Tommie Rae and Brown had a 3-way phone conversation in which Buddy explained that because they were not married Tommie Rae was a guest at Brown's Home Estate.

45. Tommie Rae and Brown separated in the later summer of 2006.

46. At Thanksgiving 2006 Brown discussed his Estate Plan with some of his children, as he had with all of his acknowledged children in the three preceding years.

47. On Christmas Day 2006 Brown died. Neither Tommie Rae nor any child was with him. His death certificate lists Adrienne as his last spouse.

48. Brown's presumed heirs by State Law and the Federal Copyright Act were:

DNA-Proven Heirs - (1) LaRhonda; (2) Jeanette; (3) Nicole;

Presumed in Official Documents before Death as born of marriages: (4) Terry; (5) Larry; (6) Lisa; (7) Deanna; (8) Yamma.

49. At least five others also claim to be Brown's heirs, but have not been DNA tested, including Deon (incarcerated), Tonya and James Curtis.

50. Only one person – Tommie Rae's son --claims that Brown fathered him after Brown's vasectomy.

51. On information and belief, DNA testing is the appropriate method to prove the status of all claimed-but-unofficial heirs, and costs only about $300 each.

52. On January 9, 2007 6 of Brown's claimed children and grandsons Forlando and Romunzo hired Louis Levenson, Esq. ("Louis") and agreed to pay Louis 30% of what he could get them from Brown's assets – $30 Million if he could set aside the two estate plans; exclude other heirs and confirm Tommie Rae was not Brown's spouse.

53. Tommie Rae hired Robert to try to get half of Brown's assets and, on information and belief, agreed to pay him 45% of what he could get – about $14 Million if he could get an elective share of all of Brown's assets, both in the Estate and Trust.

54. In December 2006 Deanna and Yamma briefly accepted positions with the 2000 Trust offered by Dallas and Cannon, but abandoned the alliance and brought Case 122 to remove the Cannon Group in January 2007.

55. In early 2007 a fake prospectus to raise $200 Million for the purchase of Brown's music empire (the "Pinnacle Prospectus") was issued by family members naming Yamma and her then-husband Darren Lumar, who is deceased., as principals of Pinnacle.

56. In early 2007 Tommie Rae and Louis's clients asked Jg. Early to appoint Adele Special Administrators (SAs) to manage the Estate.

Bob and Adele's Service

57. On March 7, 2007 Judge Early declined requests to remove the Cannon Group, but appointed Adele and Bob as non-fiduciary SAs with limited oversight duties.

58. By March 24 Forlando, Romunzo and their father Terry had abandoned Louis and aligned themselves with the Cannon Group.

59. In May 2007 Forlando issued a letter: "My Grandfather's Final Shame" in which he threatened to expose all of the wrongdoing of Louis, the family and the

Cannon Group if a settlement were not reached within 7 days.

60. In June 2007 a proposal for a $100 Million sale of Brown's music empire; an IPO; and payment of options or a "kickback" to the Cannon Group was proposed.

61. Also in June 2007 Dr. Terry Cox, a branding expert putting together the purchase group which later made 3 offers to buy Brown's assets, valued Brown's assets at $90 - $105 Million, with Royalties and Publicity Right at about equal value.

62. Before November 20, 2007, while still SAs, Bob and Adele learned a lot about the operation of Mr. Brown's business from Buddy and Al.

63. Bob and Adele learned that the Trust's and Cannon's record-keeping and tax preparation were a mess, and that Buddy and Cannon had grossly mismanaged the Trust in numerous ways, including Cannon's $900,000.00 misappropriation in 2006; the disappearance of Hallmark card ad funds in 2007; and the loss of $7 Million – later to be more than $13 Million – between 1999 and 2007.

64. On August 10, 2007 Cannon resigned as PR/Trustee after Bob and Adele discovered $900,000 he had taken in 2006.

65. Bob and Adele's legal training and practices and extensive contact with Buddy and Al, including the investigation into Cannon's misappropriations, prepared them for the tremendous task of managing the troubled James Brown Estate/Trust.

66. Brown's documents contemplated three full-time, non-music-industry trustees to coordinate his vast empire and manage significant litigation. With combined litigation and trust experience, Bob and Adele were fully qualified to serve.

67. Immediately after their November 20th appointment, Bob and Adele conducted elections for JBE, Inc., the most significant Brown Entity. They outlined their

duties, which had changed and increased radically from being SAs, to include:

a. Defending the Estate/2000 Trust against more than $30 Million of claims – many without merit –including, about $16.4 Million by the Cannon Group; the $31 Million Pullman claim; and claims of Tommie Rae, Parris and others.

b. Preventing the "Fire Sale" of Mr. Brown's valuable Royalties and Publicity Rights sought by the Cannon Group since March 26. [Cannon had just revealed a cash purchase of a Million Dollar turnkey retirement home to be built in Honduras. Tr. 11/15/07, pp. 46, 80-82.]

c. Recovering from the Cannon Group, and others approximately $7 million then known to be missing since 1999.

d. Taking emergency measures to correct the dire financial circumstance of the Estate/Trust, and Improper administration of the Estate and Trust.

68. The job of PR/Trustees was a full-time job for two people, and Bob and Adele had almost no warning that they might be appointed. They made the following immediate and necessary decisions:

a. Adele, and her larger staff did much of the "footwork" such as paying bills, maintaining accounting records, granting access to beneficiaries' Counsel, day-to-day dealing with the accountant, etc. & distributing faxes and mailouts;

b. Bob and Adele met in person every week, and by telephone as often as needed. [Usually first thing in the morning and 3 - 5 times daily.]

c. All decisions were to be approved by both, in advance.

The Crisis at Beech Island (Mr. Brown's Home Estate)

69. By Saturday, November 24, 2007, Bob and Adele confirmed that maintaining the same level of security for Beech Island and its contents would cost more than $250,000.00 per year. Critical security costs were more than $20,000 in arrears. Not much later the plumber advised them that troublesome overhead copper pipes threatened to destroy the contents of Mr. Brown's home. As he described, the

next overhead leak, rather then being a traditional drip, would be "like a fire hose".

70. Bob and Adele continued the same security service by agreeing with Sizemore to pay the weekly bill and $1,000 per week towards the arrearage while Sizemore remained in place.

71. The 2000 Trust had no cash, and the Estate's money would run out in March 2008 with the same security for Beech Island. Although they wanted Beech Island to be preserved as a museum, if possible, Bob and Adele could not let it jeopardize Mr. Brown's primary goal: scholarships for needy students and education for certain grandchildren. They had to avoid the forced sale of his Royalties and Image/Publicity Rights.

72. Bob and Adele needed emergency relief both for Beech Island and its contents, and sought it in the Declaratory Judgment Complaint Filed on November 27.

Estate and Tax Income Tax Issues

73. As SA s Bob and Adele had requested copies of tax returns for the 2000 Trust and Mr. Brown prior to their first (March 26) meeting. They were not given copies of the returns until June 15, 2007. Attorney Bill Hammond kept insisting that they did not need to see the tax returns because they were wrong, and had to be amended. Bob and Adele disagreed, believing that even if incorrect, they could provide valuable background information. When requests failed, Bob and Adele asked the Court for access to the tax returns and other records. Jg. Early orally ordered them access to the tax returns and records on June 13. A June 22 order followed (the "Access Order").

74. In June accountant Phil Farr – from whom the Estate/2000 Trust later made a recovery through Few/Gilreath – advised, and Bob and Adele confirmed by letter:

a. Farr filed only one income tax return for James Brown, LLC, for 1999.
b. Farr had never filed an income tax return for the 2000 Irrevocable Trust.
c. JBE, Inc. tax returns listed James Brown as its sole owner from 1999-2005.

75. Between August 10 and November 20, 2007 Bob and Adele attempted to assist Buddy and Al and a new Court-appointed accountant with problems the Cannon Group had of the Trust, JBE, Inc. and James Brown tax returns without interfering with Buddy's and Al's administration of the Estate/Trust.

76. Bill Sellars, the new CPA – a former partner of Russell – was trying to gather information to begin to straighten out the mess the Cannon Group caused, but at the same time Cannon, Hammond and Farr – terminated by the August 10, 2007 Order– were secretly changing, signing and filing the tax returns of JBE, Inc., including purporting to change who owned the assets. [See Tr. Hearing 11/15/07, pp. 100-107]

77 Within 30 days of their appointment, Bob and Adele made contact with the South Carolina Department of Revenue (SCDOR) and the Internal Revenue Service (IRS). They advised them in detail of the problems they had identified to date. Because virtually all of Mr. Brown's Estate and Trust was "paid or permanently set aside" for charitable purposes, they hoped to work with the taxing authorities to straighten out the years of problems. [Ltrs. SCDOR, IRS, dtd. 12/11/07]. They consistently worked with the IRS and SCDOR after December, 2007, but progress became slow after August 12, 2008 because the settling parties did not cooperate.

78. The Cannon Group was uncooperative in providing information, and none ever accounted for theirs acts as Trustees.

The Declaratory Judgment Case

79. To resolve many of their concerns, 7 days after Bob and Adele were appointed, they filed, *pro se*, a Complaint for Declaratory Judgment and Related Relief Including Expedited Emergency Relief to allow them to sell the home to a museum purchaser (hopefully family); and take other action to prevent bankruptcy of the Trust; sell tangible personal property (TPP) of the Estate/Trust and take certain other protective actions.

The Tangible Personal Property

80. Between November 27 and January 4 Bob and Adele interviewed Sotheby's, Christie's and Julien's, all auction houses equipped to handle a James Brown TPP sale. The Sotheby's and Christie's representatives visited Beech Island. Mr. Julien had visited earlier.

81 Mr. Julien, at the request of Buddy, made statements to the press which bothered Louis and posed a security threat to the contents of Beech Island, thus making working with him difficult. Sotheby's visited and showed interest, but for unrelated internal reasons, advised Bob and Adele in early January they would not take on a James Brown sale.

82 Christie's was very responsive and proposed a reasonable contract. In addition, they were able to act quickly to remove threatened items from Beech Island. And they would advance the cost of the long-overdue Estate Tax Appraisal of the TPP.

83 On January 9, 2008 Bob and Adele advised the Court that they had selected Christie's to sell certain TPP and sought approval of the contract which was part of the

Declaratory Judgment case. [Transcript, 1/9/08, pp. 58-60]

84. The Court's decision was delayed by calls from Buddy for Judge Early's recusal, and Terry and Forlando Brown also interfered. The hearing was finally held on February 7, resulting in an Order on February 20.

85. As the Court found in its Order of February 20, 2008 and its subsequent Order of April 1, 2008, the Estate/Trust's financial status was critical on November 20, 2007 and did not improve during the period. The Christie's sale had also become critical because Louis' clients and Tommie Rae had filed challenges to the Will and 2000 Trust in December, requiring vigorous defense.

The Christie's Sale

86. After the hearing on February 7, the Court issued an Order which allowed the following:

a. Sale by Christie's of some items, with family having the right to select items to be held back;

b. Placement of non-sale items of TPP in museums;

c. Sale of Beech Island, to a museum purchaser if possible. [Order dtd. 2/20/08]

87. Forlando and Terry, Buddy and others interfered with the Christie's sale, even though it was authorized by three Court Orders.

88. According to Forlando's sworn testimony, family members disagreed about a number of things, but agreed to work against the Christie's sale despite Court Orders.

89. The Christie's sale, placement of TPP at museums, and removal of the masters allowed Bob and Adele to reduce the very basic security and maintenance

costs of Beech Island from $250,000 per year to about $70,000 per year.

90. According to Forlando, the family had funds to buy at the Christie's sale, but their counsel advised them not to. This is consistent with a call Adele received 2 days before the sale in which Kraig Fox of the Fox/Silliman team advised Adele he had been working with Deanna and Yamma for several months, and offered to loan $2 Million for 4 months to delay the sale. For half that amount, the family could have bought everything at the sale except the Grammy – which was returned to the S.C. State Museum to avoid additional litigation costs.

91. Under the Order authorizing the Christie's sale, thousands of items were placed at 4 museums for safekeeping because of the challenges to the Will/2000 Trust.

92. The Court's Order dated February 20, 2008 allowed Bob and Adele to seek a purchaser for the Beech Island real estate, with reservation of a site for a future home of the "I Feel Good" Trust if feasible.

93. The Beech Island home was offered to Deanna in 2009, who responded accepting, but Louis then said she would not accept.

Application for Recognition of the "I Feel Good" Trust and Steps to Correct Tax Problems Caused by the Cannon/ Dallas Group.

94. In his Order dated August 10, 2007, Judge Early directed that Buddy and Al, as remaining PR/Trustees, apply for IRS recognition of the "I Feel Good" Trust within 6 months. [Order. Dtd. 8/10/07, Para.1(b)].

95. Application for IRS recognition of the "I Feel Good" Trust, a charitable subtrust of the 2000 Trust, should have been made in 2000. It was not. It was a first priority for Bob and Adele after their November 20, 2007 appointment to complete the

application process. The approximately $83 Million Estate Tax deduction was dependent on this IRS recognition of the "I Feel Good" Trust.

96. One of the components of the application was preparation of a Scholarship Application form to be submitted to the IRS with the Application for Recognition. Bob and Adele asked distinguished educators Dr. Leonard McIntyre (Dean, S. C. State University) and Ms. Inez Tenenbaum (former S. C. State Superintendent of Education) to serve on an Advisory Committee for the "I Feel Good" Trust, and to assist them with the scholarship forms. Both agreed to do so, and did.

97. In November 2007 Bob and Adele encouraged one of Mr. Brown's children named in the Will [Daryl, Terry, Larry, Deanna, Yamma or Venisha] to serve on the Advisory Committee of the "I Feel Good" Trust. None accepted. Bob and Adele worked with the Court-appointed accountant and the Application for Recognition was filed on December 5, 2007.

98. The 2000 Trust was irrevocable. It did, however, give the Trustees a right to amend the 2000 Trust "in any manner required for the sole purpose of ensuring that the Trust qualifies and continues to qualify as an exempt entity in compliance with the Internal Revenue Code, as amended." [Tr., Article VII(b)]. Bob and Adele knew the Cannon Group were seeking an unacceptable $15 Million commission, and had filed claims to that effect. In order to insure IRS qualification, as provided in Article VII of the 2000 Trust, Bob and Adele adopted a resolution limiting the Trustees' fees, once the "I Feel Good" Trust is funded, to ½% per year.

99. IRS approval of the "I Feel Good" Trust was granted.

Protection of Publicity Rights and Royalties

100. In May of 2007 Cox was solicited by the Cannon Group and Forlando to make a proposal to enhance the Brown's Publicity Rights. Buddy, however, directed him to look for a sale.

101. In his June, 2007 report Cox valued the James Brown assets at:

a. Image/Likeness value: $40-50 MM

b. Property: $10 - 15 MM

c. Music Catalogue: $36-45 MM

102. Toby Byron, who had worked with Buddy and Al on a Shout! Factory project for the Estate/Trust completed November 1, 2007 (and had been fully paid) also spoke under oath on November 20, 2007 of the importance of marketing and other aspects of the James Brown brand. [Trans., 11/20/07, pp. 435-443,]

103. On November 20, 2007 there was a question as to whether Mr. Brown's management contract with Intrigue Music Management International ("Intrigue"), which was headed by Frank Copisidas (Copisidas), was still in effect.

104. During December 2007 and January, 2008, Bob and Adele began working on marketing the Publicity Rights, but were faced with (disputed) claims by the Cannon Group and their associates to a large percentage of any deal. These claims would have been in addition to the legitimate fees and costs of a Publicity Rights manager. Their claims (all disputed) included, but were not limited to, the following: Intrigue/Copisidas:15 %; Cannon: 5%; Buddy: 5%; Al: 5%; Byron 5-10%. Bob and Adele determined that clarifying the Cannon Group's relationships, and terminating unproductive relationships, was critical to the stability of the Estate/Trust and the

marketing of Publicity Rights.

105. In December 2007 Bob and Adele attempted to negotiate a 1-year short-term arrangement with Copsidas/Intrigue, without prejudice to the various claims between the Estate/2000 Trust and Intrigue. An agreement could not be reached.

106. In December 2007 Bob and Adele also made contact with Royalty agencies and various other music-related contacts and with Global Gaming (GG), with which a contract had been finalized in February, 2007. [The Cannon Group and Copisidas claimed 30 % of GG funds, but Bob and Adele disputed their claims.]

107. Beginning on January 2, 2008 when he filed the Forlando Suit, Forlando tried to interfere with and damage the Estate/2000 Trust by an injunction against any action by the Trust until the Cannon Group was reinstated.

The Corbis/Greenlight Agreement

108. In December 2008 Illinois counsel for the Estate/Trust arranged a settlement conference in New York for January 19, 2009 in the CORBIS matter. [This Illinois litigation relates to a publicity rights issue which attracted Mr. Brown's attention in 2000. Mr. Brown brought suit, through attorneys Jay Ross and Art Gold, in 2002.] Bob and Adele invited Bauknight and the settling parties. None attended. Robert said he was coming, then did not arrive.

109. After negotiations, on March 23, 2009, after 7 years of Mr. Brown's efforts, and 2 years since his death, Bob and Adele reached a favorable settlement which incorporated a 2-year agreement related to the management of Mr. Brown's Publicity Rights – just what the Estate/2000 Trust needed during what was then known would be

an appeal on behalf of whoever did not prevail in the ongoing *Wilson v. Dallas* settlement hearings.

110. Tommie Rae and Terry objected to the GreenLight contract, which could have been in place on May 1, 2009, asserting it would interfere with Terry's right of first refusal to buy Brown's music empire ("ROFR").

111. On June 3, 2009, just after Bob and Adele were replaced, one of Russell's NP attorneys, Freddie Kingsmore said the GreenLight contract sounded like a good idea, but that he had to speak to David Bell. The GreenLight Contract was rejected by Russell, and two years of Publicity Rights lost. On information and belief, Terry and Bell rejected the GreenLight contract to artificially deflate the value of the music empire Terry had just claimed a ROFR to buy, and Russell would soon claim was worth less than $4.7 Million.

Royalty and Related Clearance Requests

112. Royalty Clearances were in shambles in November, 2007.

113. Between November 20, 2007 and May 26, 2009 Bob and Adele processed close to 200 royalty rights clearance requests worldwide, for diverse matters from yogurt to automobiles, and from Poland and Bulgaria to Mexico and Japan. While these clearance approval/requests did not increase the cash flow because they were applied to the TIAA Debt, they were essential to the reduction of that debt and TIAA's lien on Brown's royalties. The TIAA loan was fully paid in 2011. For the first half of 2009 the TIAA Royalties were over $2.1 Million.

Engaging Entertainment & Exempt Organization Counsel and Other Counsel

114. Bob and Adele wanted high quality entertainment counsel to work with high-quality exempt organization counsel to help address theses important issues:

a. Is it in the best interest of the Estate/Trust to sell the James Brown assets, possibly maintaining a "Legacy royalty" as had been suggested by Buddy and others, or maintain and manage them long term?

b. Which assets are appropriate to retain perpetually within a private foundation, and which assets, if retained, would violate tax and other rules and regulations applicable to Mr. Brown's private charitable foundation?

c. Which assets that are legally prohibited for the "I Feel Good" Trust could be placed in the Grandchildren's Trust?

d. For those assets which are desirable to hold but must be divested, how to delay divesting?

e. How to involve the family both with a permanent Brown Family seat on the board and possible family ownership of Beech Island and Household effects without running afoul of prohibited transaction rules?

f. Other succession issues.

115. Well-regarded Charitable Organizations counsel Alan Rothschild, Esq. agreed to work with Bob and Adele.

116. To obtain entertainment counsel Bob and Adele contacted Bertis Downs who was both a professor at the U Ga. Law School and works with R.E.M. He suggested Nashville attorney and former Warner Music Group executive Ray Gonzalez. Bob and Adele interviewed both a very competent attorney in New York and Ray, and selected Ray. They later designated Ray as a successor PR/Trustee. On or about May 23, 2011, one of Russell's NP attorneys directed Ray to return his file and to direct Bob and Adele to destroy their copy of NP's request for the file, which Ray provided. They declined because it might be required under pending discovery in Case 4900.

117. By early 2008 Bob and Adele engaged Jim Bailey, who helped with the more than 15 cases pending in Circuit Court. Jim represented the Estate and Trust faithfully over 1 ½ years; and charged about $196,000, approximately $80,000 of which was not paid and due on May 26, 2009. Russell refused to pay this valid debt for 4 years, while paying Cannon's lawyers. On information and belief, Jim should retain all payments he has received and the Court should direct that he be paid the amount, with interest, approximately $110,000.

118. After interference by Buddy, PG and Forlando [and others] with the Christie's sale, Bob and Adele engaged Tressa T.H. Hayes ("Tressa") to work with them on Appellate and Appellate-related matters. Tressa worked vigorously, and faithfully served the Estate and Trust. On information and belief, a fee of the amount shown on the accounting plus $95,000 and costs for her services – many performed before May 26, 2009 – is fair and should be directed to be paid.

119. On information and belief, the combined full Commission claimed by Bob and Adele is fair, especially when considering that Bob's and Adele's legal training and experience allowed them to reduce legal costs without sacrificing quality or damaging the Estate/Trust.

120. The combined claims of Bob, Adele and all of litigation counsel, including those required by Bauknight's inappropriate actions and lawsuits, are reasonable; should be paid; and are wholly consistent with the 7% they estimated at trial as the cost of defending the Estate Plan and paying PR/Trustee commissions. On information and belief, they modest in light of the $20+ million in commissions and fees Russell proposed to pay himself, his own counsel and counsel for the Settling Parties. Other

examples demonstrating the reasonableness of Bob's and Adele's claims are:

a. The combined claims of L&B, Peeples, Hull Towell and the Thurmond Firm for the 10 months before any challenges to the Estate Plan or Will were filed exceeded $ ½ Million.

b. Buddy is still seeking a $6 Million commission.

c. Louis claimed about $100,000 for one small aspect of Case 122.

d. PG billed $48, 225 for a few consultations in 2007 and preparing defective documents to transfer the situs of the 2000 Trust to Georgia.

Ownership of James Brown Enterprises, Inc. (JBE, Inc.)

121. On September 24, 2007 all of Brown's acknowledged family, Buddy and Al stipulated that the only assets in the 2000 Trust at Mr. Brown's death were Mr. Brown's home Estate ("Beech Island") and possibly $50. Those parties stipulated that JBE, Inc was owned by the Estate. [See Exhibit 3, Hearing 9/24/07].

122. By November 2007 Bob and Adele knew that Cannon and Farr, the former Brown CPA who was terminated by Court Order dated 8/10/07, had filed unauthorized tax returns as to the true owner of JBE, Inc. In September and October of 2007 these unauthorized returns for JBE, Inc. for 2003 - 2006 changed the ownership to show the 2000 Trust instead of Brown as the owner of JBE, Inc. (Farr had prepared JBE, Inc., returns for 2003-2005 showing James Brown, not the trust, as owner of JBE, Inc.; he had also submitted an affidavit to the Court in September of 2007, stating Mr. Brown was the owner.) By November they also knew that both Cannon and Buddy had changed their stories about JBE, Inc's ownership both to the Court and to them.

123. On December 18, 2007, Bob and Adele withdrew the Dallas/Bradley Motion to Declare JBE, Inc. an asset of the Estate. The withdrawal was served on all

parties to Case 122.

124. Bob and Adele advised the IRS and the SC Dept. Of Revenue (SCDOR) of this and other ownership issues.

Defense of Claims Against the Estate/Trust

125. By early 2008 approximately $45 Million of claims – many without merit — were filed against the Estate and/or Trust. An important goal of Bob and Adele over the 1 1/2 years between November 20, 2007 and May 26, 2009 was the proper management and reduction of those claims. They carefully and efficiently did this with the help of Jim Bailey and Tressa, as well as Matthew Ballenger, Esq. of Hogan and Hartson in New York Pullman Litigation. [Matt was hired before Bob and Adele became PR/Trustees.] The following files give a more detailed understanding of Bob and Adele's services related to the claims litigation, and the excellent work of Jim Bailey at the trial level:

a. Claim of David G. Cannon; Aiken County Case No. 2008-CP-02-1425.
b. Claim of Albert H. Dallas; Aiken County Case No. 2008-CP-02-1426.
c. Claim of Alfred A. Bradley; Aiken County Case No. 2008-CP-02-1427
[Summary Jmt. On the above 3 – $15+ Million -- was filed on August 2008.]

d. Claims of the Pullman Group; Aiken County Case No. 2007-CP-02-122 -
[This $31 Million claims was dismissed.]

e. Claim of Roosevelt Johnson; [This $2 Million claim was disallowed.]

f. Claim of Lewis & Babcock, LLP;
g. Claim of Rodney A. Peeples, Esquire;
[These two were ready to be heard by the Court on stipulated facts.]

h. Claim of Smith, Massey, Brodie, Thurmond & Guynn, P.A. ; Aiken County Case No. 2008-CP-02-1551
i. Claim of Murrell; [Judgment]
j. Claim of Stanley Jackson, Esquire; Aiken County Case No. 2008-CP-02-1549
k. Other Claims

Preventing Forlando's Attempt to Enjoin the 2000 Trust & Return the Cannon Group as Trustees

126. On information and belief, the Forlando Suit is a good example of the most troublesome aspect of the Brown litigation – the false and misleading statements both by parties and their counsel, officers of the Court. It is doubly troublesome that Terry and Forlando, along with Deanna and Yamma, wasted the Court's time and the Estate and 2000 Trust's funds to come full circle, i.e., reunite with Cannon and Buddy to destroy James Brown's Estate Plan.

127. Atlanta Law Firm Powell Goldstein (PG) represented the Cannon Group, as Trustees, in the summer of 2007 just before Bob and Adele discovered the $900,000.00 taking. Cannon and Buddy were trying to remove the 2000 Trust from South Carolina and the inevitable discoveries which Judge Early's access Order allowed. [Affidavit. S. Jackson] [PG then became counsel for Forlando; then Terry and TJBL; then Russell.]

128. PG secretly worked with Hammond, Cannon and Buddy in June when the $100 Million joint venture/Sale/IPO with Forlando was being proposed and Cannon and Buddy were demanding a kickback or option. [Cox Proposal 6/01]

129. In September 2007 PG sent the Estate a $48,225 bill for its work. In November Cannon lied to Jg. Early, saying PG was never hired.

130. In November the Cannon/Buddy attempts to move the 2000 Trust out of the state, to Georgia, and other secret wrongdoing, came to light. Following Cannon's resignation on August 10, 2007, Buddy and Al resigned on November 20, 2007.

131. On November 20, 2007 after the resignation of Buddy and Al, Buddy and

Terry Cox, under oath spoke of Cox's "very significant offer" [Trans:, 11/20/07, p. 426], but concealed Cannon, Buddy's and Forlando's financial involvement.

132. Cox, under oath, said that including a kickback or option for Buddy and Cannon was a "mistake." [Transc. 11/20/07, pp. 448]

133. On December 5, 2007 Forlando and Cox officially became joint venturers in TJBL. By March 2008 PG was TJBL's and Terry's lawyer and additional offers were made in February and March.

134. On December 10, Forlando called Adele to talk about his tuition education payments under the Grandchildren's Trust. Adele told him they hoped to have funds as soon as the TPP sale was approved, and Adele offered to speak to the financial aid person at his college.

135. On December 10 or 11 , 2007 David Bell called Adele and directed her not to talk to Forlando. Adele requested that Bell advise Forlando of his mandate so that Forlando, who had called her various times, would know the non-communication was not her idea.

136. By about December 18, David Bell was given notice that Bob and Adele withdrew the Dallas/Bradley motion to declare JBE, Inc., an asset of the Estate; he had also received their request in the Declaratory Judgment action that the court declare there was no probable cause to contest the Will or 2000 Trust.

137. As knowledge is defined in the Trust Code, David Bell, Forlando and Terry clearly had knowledge before December 31, 2007 that:

a. Bob and Adele were not pawns of Deanna and Yamma Brown.

b. Buddy and Al, not Bob and Adele, filed the motion to declare JBE, Inc., an

asset of the Estate – and Bob and Adele had withdrawn it.

c. Bob and Adele fully supported the Trust and the Will.

d. Cannon had misappropriated $900,000.00 from the Trust; had resigned; and was unfit to serve as Trustee or PR.

138. Despite this, on December 31, 2007 Forlando, with knowledge of the falsity, verified a Complaint (and later verified others) sought to enjoin the 2000 Trust from taking any action. He falsely accusing Bob and Adele of things he knew to be false, including having, for personal gain, wrested the 2000 Trust from Cannon, Buddy and Al. Forlando also accused Judge Early of impropriety, and sought to enjoin the 2000 Trust from taking any action until the Cannon Group was reinstated.

139. Concealing his financial relationship with Cox, Cannon and Buddy, Forlando represented himself to be an impoverished student who only wanted to enforce the 2000 Trust.

140. Although wholly frivolous, Forlando's lawsuit had to be taken seriously, including the conduct of a 2-day hearing on the injunction, which was not granted. The expense of defending the frivolous lawsuit caused Bob and Adele to lose their professional malpractice insurance coverage. [The 2010 suit by Russell and Forlando's father Terry, Case 4900, caused their insurance to be cancelled again, and required Bob and Adele to defend lawsuits over coverage with Cincinnati.]

141. Among the many troublesome aspects of the Forlando Federal Suit was a false affidavit prepared, signed and filed by David Bell in which Bell falsely told the Federal Court that he had relied on representations by Bob and Adele in advising Forlando to sign a Stipulation, presented to the state court on September 24, 2007, that

JBE, Inc., was an asset of the Estate. Bell had not talked to Bob and Adele about this, and could not possibly have relied on them, as their affidavits – and the facts – confirmed.

142. After the settlement, both Bell and Louis directly and indirectly threatened Bob and Adele with ethics claims or Rule 11 problems if they did not resign. On information and belief, Louis's threat to Bob was the day of the first hearing on the Settlement. Bell later wrote Bob threatening a judicial grievance if Bob did not resign.

143. In addition, Bell and PG attached what was represented to be a copy of the 2000 Trust to the Forlando Suit complaint. The copy contained the Post-death, Second Schedule B which Buddy had created in January 2007 to make it appear that James Brown had himself transferred assets to the 2000 Trust during his lifetime.

144. As a result of the false and scurrilous accusations of the Forlando Suit, the first time either Bob or Adele had had to call on their legal negligence carrier to defend them in their combined 60 years of practice, both of their professional liability policies were cancelled – Adele's at the end of 2008.

145. David Bell also assisted his clients in filing 6 grievances against Louis in two states. While Bob and Adele have been troubled by some of Louis's actions, they felt that the grievances filed by Bell, like the Forlando Suit brought against the 2000 Trust and them, were not merited and were brought for an improper purpose.

146. Approximately $400,000 had been spent by 2009 in the defense of the Trust in the Forlando Suit. The premium for Adele's insurance for 2009, obtained after the cancellation, was more than 4 times that of the previous year. Bob also had trouble obtaining coverage.

147. On information and belief, this Court should direct that the attorneys' fees and costs of the frivolous Forlando suit be paid by the Estate/Trust, but recovered by the Estate/Trust from the share of Forlando in the Trust and Terry in the Estate, which is now owned by Forlando.

148. The unchecked false and misleading statements and filings of Buddy, Bell and others made Bob's and Adele's task of preserving and protecting the Estate and 2000 Trust and defending the Estate Plan of James Brown more difficult.

149. While Bob and Adele did not seek revocation of Mr. Bell's *pro hac vice* status in Case 122, his false affidavit and other false representations he made to the Court compelled them to support it. The Court did not revoke his *pro hac vice* status despite earlier warnings.

150. Bell participated for months in *Wilson v. Dallas* without even seeking admission – representing at the same time a supporter and an opponent of the settlement.

The Effect of Service as PR/Trustees on Bob's and Adele's Careers

151. In February 2007, when asked by Alan Medlin (Adele) and counsel for the then-PRs (Bob) to consider appointment as SAs, both of them had very active careers.

152. At Bob's and Adele's first meeting with the Cannon Group on March 26, 2007 Cannon was red-faced, literally banging his fist on the table and accusing them of being spies for the enemy. Bob and Adele told him they understood his concern, but were just doing their job.

153. On November 20, 2007 that job changed dramatically, and without

warning.

154. In 2007 Bob and Adele both reduced their practices to meet the ever-increasing demands. As before, they had a job to do.

155. From November 2007 Adele was spending more than 80% of her working time on James Brown matters and had to turn away many requests for her service. In November 2008, well into a year in which she would spend at least 2,300 hours on being a Brown PR/Trustee, Adele decided to close her Columbia practice. Bob, having turned away numerous matters over 2½ years, was required to rebuild his practice in 2009. Adele has dedicated thousands of hours since May 26, 2009 to the task of honoring James Brown's Estate Plan and defending herself against the frivolous claims of Kevin Jones, Forlando, Russell and others. Both have borrowed money and/or dipped into savings to properly perform their duty and keep their offices functioning.

156. Both Bob and Adele are sole practitioners. Bob's staff of 1½ and Adele's formerly much larger staff devoted much of their time for 2½ years to Brown matters.

157. On information and belief, from November 20, 2007 Bob and Adele served the Estate, Estate Plan and 2000 Trust – and the backup 1999 Estate Plan – as it should have been served by:

a. Protecting and enhancing the assets, especially the Royalties and Publicity Rights during their active service, and leaving Russell alone to try to do the same after May 26, 2009.

b. Defending the Estate Plan of James Brown not only during their active service but until the *Wilson v. Dallas* final decision on May 8, 2013.

c. Developing a Succession Plan which should help prevent loss of millions to persons James Brown did not intend to have his assets.

The August 10, 2008 Settlement and Bob's and Adele's Duty to Appeal

158. Cannon's violations of the criminal law and the Cannon/Dallas/Bradley breach of their fiduciary duty to James Brown were apparently undiscovered until shortly before or after Brown's death. They include Cannon's unreported $4.9 Million taking from the TIAA Funds in 1999; the $900,000 taking from the 2000 Trust in 2006; and the after death filing in Aiken County of a $700,000 judgment in favor of Cannon against Brown which he secretly obtained by paying $41,000 in 2002. They also include Cannon's 2008 forgery to cover up some of his takings.

159. The Cannon/Buddy relationship with Brown's family/beneficiaries was mixed. Deanna held a power of attorney with Cannon and Buddy until Brown's death. Deanna and Yamma became, after Brown's death, Trustee and Executive Assistant to the Trust board, respectively.

160. In early 2007 the Deanna/Yamma group (then all 6 acknowledged children) split from Cannon and Buddy because, according to Forlando, Cannon and Buddy would not give them enough control. Then Forlando and Terry split from the Deanna/Yamma group.

161. Forlando and Terry have asserted that Bob and Adele were appointed SAs in March 2007 to get rid of Cannon and Buddy so the Deanna/Yamma Group could take the James Brown assets for themselves.

162. The Deanna/Yamma Group engaged Bob and Adele – and this Court – for 8 months with hundreds of hours of complaints about the unconscionable 15% commissions from the Estate/Trust the Cannon Group wanted. Then on December 26, 2007 they filed suit in state court to get it all for themselves.

163. Terry has now re-joined the Deanna/Yamma Group. He and his son Forlando and Russell have all been represented by PG.

164. PG refuses to make a public release of its file for the period when the Cannon Group was seeking a kickback or options in the IPO, even though the Cannon Group all consented at the August 10 hearing for that release to be part of the August 10, 2007 Order.

165. Having reunited, and aided by Russell, Cannon/Buddy and Mr. Brown's family are happy to take Brown's funds for themselves and accuse Bob and Adele of impropriety for defending Mr. Brown's wishes.

166. Bob and Adele have been since 2008, and remain, the only persons protecting the interest of James Brown's Estate Plan, including:

a. Brown's In Terrorem clauses of the Will and Trust.
b. Brown's Spendthrift Clause of the Trust.
c. Brown's desire to dedicate most of his estate to the private education trusts.

167. Bob and Adele have made it clear to the AG and others since November 20, 2007 that they intend only to complete their duty and provide for proper succession.

168. After considerable research Bob and Adele concluded that their duties required them to appeal the McMaster settlement, which they did at substantial personal cost.

169. The *Wilson v. Dallas* appeal increased the likelihood of retaining the $50+ Million for needy students Russell proposed to remove from the "I Feel Good" Trust; it had a positive outcome for the Estate/Trust; and it was reasonable and in good faith. The outcome provides additional support for the reasonableness of Bob's and Adele's

requested full commissions for the six years they have worked to save the "I Feel Good" Foundation; demonstrates that Russell must seek payment from others he serves; and confirms again that Buddy and Cannon are not entitled to any commissions.

Russell, Case 4900 and the Attorney General's Office

170. Since 2007 Bob and Adele have made every reasonable effort to cooperate with the Office of the AG, including Adele's contacting and meeting with AG Wilson after the first *Wilson v. Dallas* decision to discuss how important to private property and private philanthropy in South Carolina she believes the *Wilson v. Dallas* decision was.

171. On information and belief, AG Wilson's statement in 2013 to the Supreme Court that he wants to get out of Case 4900 and that AG McMaster gave his nod to Case 4900 only because the statue of limitations was running and someone – not yet known – advised him that he would breach his fiduciary duty if he did not sue Bob and Adele, suggests the State no longer desires to be involved in the false accusations being made, including that Bob and Adele committed a federal felony.

172. On information and belief, an SA/ST working on behalf of James Brown's Will and 2000 Trust will sort out the damage Russell caused by asserting, without basis, in 4900 that he was acting "on behalf of" the Attorney General of South Carolina," and protecting the public interest of S.C. citizens while also speaking for the Brown's Estate, the 2000 Trust, the Legacy Trust, Tommie Rae, three minors, an incarcerated adult and others, all through a single, private law firm.

173. On information and belief, the mess in which the Estate/2000 Trust now

finds itself in Case 4900 – including seeking relief from default – could be easily remedied by an SA/ST protecting the Will and Trust of James Brown . Russell has too many others he is obligated to protect – especially himself, Tommie Rae and Terry/Forlando – whose interest is not aligned with the Estate/2000 Trust.

174. Among the Case 4900 problems are the pending Wingate/Russell Motions to Strike Offers of Compromise which charged the minor beneficiaries of the 2000 Trust nothing and offered to help restore their $285,000 Trust funds. Wingate and Russell rejected and moved to strike many offers, on information and belief, without even notifying the minors or persons to whom the offers were made, and while refusing to appoint a GAL for the minors or for incarcerated Venisha..

175. In Case 4900 Russell has, among other things, also told the Richland County Court that:

a. Judge Early's finding in the April 8, 2008 Order that Bob's and Adele's appointment was legal and appropriate and that their service "in light of emerging facts related to the former PR/Trustees is outstanding" was dicta; and

b. The situs of the 2000 Trust and the Legacy Trust were moved to Richland County by Russell on May 26, 2009.

176. On information and belief, Russell's speaking for 12 different people in Case 4900 cannot be aligned with the interest of the Will/2000 Trust of James Brown.

177. On information and belief, proper handling of Case 4900 by an SA/SA protecting the Will/2000 Trust – and with only about 4 depositions needed for dispositive motions and trial – will be both just and efficient.

Pursuing the Cannon Appeal

178. By November 15, 2007, the criminal investigation in relation to Cannon's income – which came from Brown – was known. And his $900,000 2006 taking from the Trust had been known for months.

179. When Cannon was held in contempt by the Court, and appealed, Bob and Adele were not concerned with the sentence. They were concerned with the destabilizing effect of his challenges to the Court's (Judge Early's) authority to act, and whether the year spent uncovering the Cannon/Buddy actions which led to their resignations would have to be repeated.

180. Bob and Adele urged the Assistant AG Jones to work with them on the Cannon Appeal to prevent the return of Cannon and Dallas. The AG refused.

181. The AG and all parties except M&T Bank, Bob and Adele acquiesced in Cannon's appeal position that Judge Early had no jurisdiction over the year-long Trust hearing.

182 The AG did not file a brief or attend the Cannon oral arguments.

183. During the period of his appeal, Cannon repeatedly violated Judge Early's Orders in connection with Geronimo Music Management, LLC (Geronimo), a company owned at least 51% by the 2000 Trust which is the publisher for some of Mr. Brown's songs. Buddy also violated the Orders.

184. Cannon and Buddy continue to be in direct violation of the August 10, 2007 Order by refusing, as ordered, to turn over the PG Estate/Trust Files for inspection by all Interested Persons.

185. Russell has recovered nothing from Cannon in 4 years – not even the

mansion Cannon built after Brown died for a retirement home in Honduras.

Defense of the Estate Plan and Other "Family" Claims

186. On information and belief, the record is clear that Bob and Adele vigorously defended the Estate Plan of James Brown both at the trial level and on appeal, and that their defense was successful. By contrast, Russell has spent four years working for Tommie Rae, Terry and others against the Estate Plan, and gives no indication that he intends to change.

187. James B.'s standing could – and should – be resolved with a $300 DNA test, as should the status of Tonya, Curtis and the incarcerated Deon.

188. If James B. is a child, Summary Judgment as to whether he was intentionally excluded by Brown's Will is simple.

189. On information and belief, the facts demonstrate Tommie Rae is neither an heir nor devisee of James Brown; much of her claim should have been decided on motion to dismiss; and the remainder on Summary Judgment after discovery, which has been stayed for 5 years. On information and belief, a litigation SA/ST with a mandate to protect the Will and 2000 Trust of James Brown could make short work of the 5-year delay in this case and the 3-year delay in Case 4900 which Tommie Rae and Russell are trying to extend for what may be another 5 years.

190. On information and belief, the litigation SA/ST could easily proceed to Tommie Rae's and Terry's already-noticed depositions in Case 4900, where they have evaded depositions for two years despite their claim that Bob and Adele caused them millions of dollars of damages.

191. Russell and Wingate have now – after the second *Wilson v. Dallas*

decision, asked Jg Manning to stay not only Case 4900 but both FOIA cases until Judge Early concludes all matters in Aiken County. On information and belief, this is wholly inconsistent with justice and with Jg. Early's direction that the James Brown matters now proceed expeditiously.

192. On information and belief, allowing this Case and other cases to proceed, *with an SA/ST who is working to defend the Will/2000 Trust*, will serve both justice and judicial economy. On information and belief, the Litigation SA/ST should have full and complete authority to act within the litigation realm and :

a. Have no current close relationship to any party or counsel listed on the Schedules to this action;

b. Be available to give all necessary time to the project

c. Be given access to all current and former counsel files, books and records of the Estate/2000 Trust and Brown Entities and to the James Brown files of any attorney seeking payment from the Estate/2000 Trust;

d. Be willing to accept $325 per hour and give as many hours as necessary; and be paid monthly.

e. Be authorized to represent and protect the Estate, as directed in the 2000 Will, and 2000 Trust until conclusion or earlier Order of the Court: in the following: (1) The Forlando Suit; (2) This Case; (3) The Dallas Claims and all related matters; (4) Case 4900; (5) the FOIA suits.

f. Be directed to represent the Estate/2000 Trust as SA/ST working with Kendall Few, Esq. and James Gilreath, Esq. as the client in Case 322 , with the mandate to protect the Estate, as directed in the 2000 Will and the 2000 Trust.

g. Be directed to represent the Estate/Will and 2000 Trust as stated in all discovery, joinder and trial preparation matters in the Will/Trust contest ("Case 872), the Gag Order Matters, and Tommie Rae and James B. claims, including DNA testing and dispositive motions and seeking GALs.

193. On information and belief, Russell's 2009 commitment to certain persons

claiming to be some of the heirs of James Brown against the Estate/2000Trust cannot be reconciled with any continued service under the Will/2000 Trust.

194. The Supreme Court has voided Russell's appointment, undoing some of the damage of his intemperate endorsement of Tommie Rae and his incorrect representations about the Heirs and Federal Copyright Act. On information and belief, Russell should be replaced before he makes these same errors again.

Sale of the Joseph Brown House.

195. According to Louis, attorney for various family members, the home of Joseph Brown, James Brown's father, held more significance for his acknowledged children than Beech Island. The house, valued at $60,000.00 was an albatross for the Estate. It was unoccupied; the Cannon Group had allowed the insurance to expire; and it came to Mr. Brown through the Estate of Joseph Brown, which had not been probated.

196. The location in Georgia made oversight of the Joseph Brown house and solving the probate issues more problematic and costly. Further, it came through an intestate Estate, and Bob and Adele learned of the possibility of a brother of James Brown who might claim an interest in the house –even though James Brown had provided all of the funds for it.

197. Bob and Adele sought, and obtained, court approval to sell the Joe Brown house to Louis's clients with only a quitclaim deed; 10% down and a note and security deed for the remainder, with purchaser's counsel to prepare documents.

198. Louis assured Bob and Adele that payment by his clients would never be a problem. After Bob and Adele spent months assisting the purchasers (Louis's clients)

in getting the sale documents correct, the sale finally closed. The purchasers made only 2 payments. Beginning in August of 2008 they refused to make any further payments based on the settlement. On information and belief, Russell has collected no payments since the *Wilson v. Dallas* decision.

The March 2009 Offer of Compromise

199. By January 30, 2009 it appeared that the Settlement was gaining substantial momentum. On that day Bauknight, Tommie Rae and others asked the court to approve the settlement which now included the unprecedented offering of millions of dollars more, to be taken from James Brown's assets, to pay Terry to abandon his firm, and sworn, assertion that both the 2000 Trust and 2000 Will were valid; carried out the wishes of James Brown; and had been affirmed by James Brown.[See Ltrs. of S. Jones, D. Bell, dtd. 1/30/09.]

200. On that same day, with Russell having no knowledge of the value of Brown's assets, said he had "heard" about $80 Million, while Tommie Rae, as soon as a family member acquired ROFR to buy the music empire, began to suggest that the at-death value of Brown's Gross Estate for Federal Tax purposes might have been less than $100 Million. [Two years later Russell told the IRS the music empire was worth less than $4.7 Million.]

201. From November 2007 to January 2009 the Estate and Trust had been threatened by the $15+ Million claims of the Cannon Group. It was now faced with a $50+ Million threat, and possibly a sale to family at a new, deflated value – causing even greater loss.

202. On March 26, 2009 as a last-minute effort to salvage at least some of the Estate Plan as Brown intended, Bob and Adele presented an Offer of Compromise which would correct the parties, require GALs for the minors for approval, and give a generous settlement to Tommie Rae – without declaring her as spouse, but giving her adequate dignity. It provided:

> 2. The Last Will and Testament of James Brown dated August 1, 2000 shall be formally admitted to probate, but subject to the modifications set out below:
>
> a. The Personal and Household Effects (PHE) to which the 6 children are entitled under Item I of the Will shall consist of the current contents of Beech Island and the assets on loan to museums. Deanna Thomas shall take possession of the Beech Island contents for safekeeping on behalf of the 6 children on or before May 1, and shall immediately deliver a receipt for same.
>
> b. The first sentence of Item II of the Will is amended to so that after amendment it shall read:
>
> Subject to subparagraph (3), below, I give and devise the rest, residue and remainder of my property as follows:
>
> (1) Fourteen (14%) percent to be divided equally among Daryl, Terry, Larry, Venisha and James B., Deanna Brown Thomas and Yamma Brown Lumar, all of whom are declared to be acknowledged children of James Brown.
>
> [An additional One (1%) percent to James upon receipt of official DNA confirmation by May 1, 2009. Provided, however, failure to elect this provision shall not be deemed to create any presumption or inference affecting his status as an acknowledged child for all purposes.]
>
> (2) The Remainder [either 85% or 86% percent] to the James Brown 2000 Irrevocable Trust created on August 1, 2000 prior to the execution of this Will . . .
>
> (3) All amounts otherwise payable to James B. shall be paid to a conservator or Trustee nominated by his mother and acceptable to the Court.
>
> 3. GAL and attorneys' fees and costs for James shall be charged to his share as a priority expense of administration, in a reasonable amount to be set by the Court upon presentation of Affidavits and/or other documentation.
>
> 4. The permanent resignations of Messrs Cannon, Dallas and Bradley as set out

in the August 10, 2007 Order in Case 122 shall remain in full force and effect.

5. Robert L. Buchanan, Jr. and Adele J. Pope shall continue to serve as PRs and Trustees, and their actions to date are ratified and confirmed.

6. Effective upon entry of this Order, Louis Levenson, if his clients consent in writing to such service, shall serve as Special Administrator, to cooperate and assist the PR/Trustees with marshaling and managing assets and litigation, including but not limited to, implementation of the CORBIS settlement; selecting a recipient of the Right of First Offer; due diligence regarding a potential asset sale; and related TIAA and Pullman matters.

7. Except as set out herein, and subject to payment of the claims set out below, the Last Will and Testament of James Brown dated August 1, 2000 shall remain in full force and effect, including its tax apportionment provisions.

8. The Court specifically finds that all challenges to the validity of the James Brown 2000 Irrevocable Trust and its subtrusts, the Brown Family Education Trust and the James Brown "I Feel Good" Trust are barred by applicable statutes of limitation and should be dismissed. All challenges thereto should be dismissed.

9. Upon receipt of the Estate Tax Closing letter, after disclosure to the IRS of the final Order approving this settlement; payment or provision for all debts, taxes and expenses of administration; final resolution of the Forlando Brown Federal Suit, including the counterclaim; and final resolution of the Cannon and Dallas/Bradley appeals, Robert L. Buchanan, Jr. and Adele J. Pope shall resign as Trustees (and PRs if appropriate) and appoint as Successors:

a. Deanna J. Brown Thomas (to fill a seat to be held by, or permanently reserved for, a member of the Brown family);

b. A competent, independent South Carolinian appointed by the Attorney General of South Carolina; and

c. A competent, independent South Carolinian appointed by a majority of the then-existing Advisory Board, which currently consists of Dr. Leonard McIntyre; Dr. Ann Carmichael; Ms. Inez Tenenbaum; Judge Walter Williams; and Coach Larry Campbell.

10. 430 Douglas Drive, Beech Island shall be sold, absolutely as is, to DEANNA BROWN THOMAS for $925,307, or other(s) if not closed by May 1, 2009, as set out in the PR/Trustees' Memorandum dated March 27, 2009.

11. In complete settlement of all claims and rights each may have in and to the

Estate and Trust, and paid prior to the final residuary distributions set out above, the following shall be Offered, and paid if timely accepted as part of this Offer:

a. Seven (7%) percent of the residue to Tommie Rae Hynie in exchange for relinquishment of all claims she may have in, to and/or against the Estate, the Trust and any Brown Entities.

b. Ten Thousand ($10,000.00) Dollars and recognition that she is child of James Brown as contemplated under current Federal Copyright Law, to each of Cinnamon N. Parris, Jeanette Mitchell and LaRhonda Pettit, in full settlement of all claims and/or demands each shall have against Estate/Trust.

12. The *In Terrorem* clauses of the 2000 Will and Trust shall not be enforced against persons who immediately ratify in writing the 2000 Will and 2000 Trust, as modified by this Order.

13. All assets other than Beech Island and Geronimo, LLC shall, for accounting purposes, be treated as Estate assets unless objected to by the Attorney General of South Carolina, or if a different ownership is clearly established..

14. A 6-months' Right of First Offer with exclusive due diligence period for a potential sale of the bulk of the Estate/Trust Assets shall be granted as soon as reasonable, but within 30 days, with any one or more person(s) procuring a buyer who actually closes entitled to a finder's fee, up to a total of 2%, as agreed by the PR/Trustees or approved by Probate Court.

15. Al parties shall execute such additional documents as are reasonably requested to carry out the terms of ths Order.

203. While the Offer of Compromise would normally not have been discussed, Tommie Rae's counsel referred to it in Court and it became part of the record. Bob's and Adele's attempt to salvage James Brown's Estate Plan was rejected. On information and belief, this rejected offer should be taken into account in the determination of all fees and commissions.

204.. Just before the 2010 lawsuit filed by Russell – purporting to speak for the State/AG when he had no authority to do so — Bob and Adele presented yet another Offer to one of Russell's by-then-12+ attorneys at NP. It proposed to give Tommie Rae

and others virtually everything they asked for provided the Supreme Court approved.

205. Russell, Tommie Rae and Terry did not even respond. Instead, the filed suit on May 19, 2010, seeking tens of millions of dollars of claimed loss from Bob and Adele to a music empire they now say was worth less than $4.7 Million when Brown died; for conducting the *Wilson v. Dallas* appeal; and for not accepting a $100 Million offer which, in 2011 Russell told the Supreme Court was never made.

Bob and Adele Provide Assistance with the Transition of Management of the Estate/Trust Pending Appeal

206. On August 12, 2008, one of Tommie Rae's lawyers notified Bob and Adele to "stand down" and quit managing the Estate because a "settlement" had been reached. [Ltr. Rosen and email to Judge Early dtd 8/12/08.] This was followed by a letter announcing a "settlement" reached on August 10 after a secret mediation to which Bob and Adele were not invited and of which they we were not informed. [Ltr Jones dtd 8/12/08.]

207. Tommie Rae's "stand down" directions exhibited how little Tommie Rae and others understood of the complex workings of the Estate/2000 Trust; the James Brown musical empire and the more-than 20 pending cases in which Bob and Adele were involved as PR/Trustees and on behalf of JBE, Inc.

208. Bob and Adele faced an Estate Tax Return for an approximately $100 Million Estate due – with no further extensions permissible – on September 25, 2008, and depositions scheduled in the Forlando Federal Suit in September, with a 2-day hearing scheduled for November 18 on Forlando's attempt to paralyze the 2000 Trust

until the Cannon Group was reinstated..

209. They needed to know what was proposed in the secret agreement in order to assess its impact on the Estate Tax Return, and asked the Court to require disclosure of the terms. They also invited the settling parties' accountant to prepare the Estate Tax Return for their review and approval.

210. One of Tommie Rae's attorneys advised Adele that the "settling" parties had no accountant and that they wanted Bill Sellars to prepare the Estate Tax Return. Tommie Rae's tax attorney Carter later refused to participate in the tax process.

211. Russell had been known to Bob and Adele since June 2008 when AG Jones filed an Emergency Petition to Appoint a Special Trustee, asserting Bob and Adele had no authority to act. [See Em. Pet. Dtd 6/26/08 and Ltr of Jones dtd 7/7/08.].

212. Between July, 2008 and May 26, 2009, Bob and Adele invited Russell to visit Beech Island. [He did not return their calls.] They invited him to attend (by phone or in person) the CORBIS/GreenLight Settlement conference in New York on January 19, 2009. [He declined.] They requested his input, since he is an accountant, on tax issues created by the August 10, 2008 document. [He did not respond.]

213. Russell met with Bob and Adele once after he was appointed "independent" SA/ST and before the settlement hearings. He knew virtually nothing about the more than 20 pending cases, and did not bother to look at the 90 boxes of historical documents available to him.

214. Despite this, he testified under oath that no transition was necessary if he was appointed Successor PR/Trustee.

215. Bob and Adele had been appointed PR/Trustees on November 20, 2007

without any transition. They made every effort to be sure there was a smooth transition of management to Russell after May 26, 2009, without prejudice to their strongly-held position that Russell improperly recommended the Settlement and had – and still has – an irreconcilable conflict which renders him unable to serve as PR/Trustee while serving Tommie Rae and Terry/Forlando.

216. In June Russell bragged that 10 NP lawyers were working for him. Some sent rude letters. All refused Bob's and Adele's repeated offers to meet weekly with them for as long as helpful with the transition. By 2013 Russell had more than 20 lawyers – many spending considerable time protecting Tommie Rae; trying to keep the Settlement in place; and trying to destroy Bob and Adele.

The Duty to Defend James Brown's Right to Control Succession in His Estate, Grandchildren's Trust and The "I Feel Good" Trust"

217. On information and belief, the joint affidavit of Bob and Adele dated August 19, 2008, with all Exhibits, in Cases 872 and 122, incorporated herein by reference, outlines how the Cannon Group left hastily under threat of removal and without appointing successors.

218. On information and belief, it was Bob's and Adele's duty to defend James Brown's Succession Plan for the fiduciaries of his Estate, the Grandchildren's Trust and the "I Feel Good" Trust and they correctly challenged the notion proffered by Tommie Rae and others that the "I Feel Good" Trust was "the Attorney General's money" and that the Attorney General had the right to take Brown's private estate, private trust and a private charitable foundation; change their terms and succession plan; and place

them under his personal control. On information and belief, the *Wilson v. Dallas* decision now gives this Court the right and obligation to reestablish Brown's Estate Plan and appoint 3 unconflicted fiduciaries who will vigorously defend the Will and 2000 Trust according to their terms.

219. Seven years before his death James Brown established a Succession Plan in his Will and the 2000 Trust. Bob and Adele properly continued to defend that succession plan and the Estate Plan for 4 years after their removal, providing an extremely beneficial result.

220. On information and belief, in clear defiance of the *Wilson v. Dallas* mandate, Russell sought and may have obtained *ex parte* orders appointing him SA/ST without notice or hearing not for the proper purpose of emergency protection of assets – but to continue his plan, with Tommie Rae and others to dismantle the Estate Plan.

221. On information and belief, the ex parte appointments of Russell should be declared void; the Notice of Disallowance should be declared void; Bob's "settlement" voided; and all relief requested by Bob and Adele in their Claim and related cases be granted, including under the January 8 Order, with interest continuing as stated, and at 8 3/4% compounded annually since 2009, until paid, and all attorneys' fees and costs requested.

For A Second Cause of Action
(Removal and Accounting of Bauknight; Appointment of SA/ST for Litigation on behalf of Will/2000 Trust & SA/ST for Management under Will/200 Trust)

222. Plaintiff restates and incorporated Paragraphs 1 through 221 as fully as if set out herein.

223. Russell's breaches of duty, disloyalty to the Estate/2000 Trust and loyalty to Tommie Rae, Terry and the Legacy Trust compel his removal and the appointment of SA/STs to preserve and defend the assets in accordance with the Will and 2000 Trust.

224. The damage Russell has cause in Richland County compel that it be now.

225. Just some of Russell's actions which make this critical are described below.

Russell's Less-than $4.7 Million Value of Brown's Music Empire

226. On October 12, 2007 the Cox Group made a $90 - $100 Million offer (letter of itent) to buy Brown's assets under the name of TJBL – an entity to be formed. Buddy later testified the offer was left on Jg. Early's desk the day Buddy resigned.

227. On November 14, 2007 Bob and Adele moved the Court to allow the Royalties and Publicity Rights (Image and Persona) to be valued on the Estate Tax Return under the following formula:

> 12 - 14 TIMES (1 Yr. Royalties PLUS ½ Yr. Gross Road Revenues) = Value of Royalties, Publicity Rights

228. On November 15 the I&A filed by Buddy and Al properly valued Brown's assets at about $100 Million less the TIAA debt, approximately $15 Million, based on the offer.

229. On November 15, Jg. Early asked AG McMaster and all others others to let him know within 10 days if they objected to the valuation proposed by Adele and Bob as SAs. None did so.

230. On November 20, 2007 Buddy told Jg. Early he was expecting additional offers by the end of 2007.

231. On December 6, 2007 AG McMaster's Sr. Assistant ("Sonny") inquired about the $100 Million offer and expressed fear it would disappear if not accepted. But in September 2008 Forlando – part of the purchase group – confirmed that offers of $150 Million were still available.

232. On May 6, 2011, to the extreme detriment of the Estate/2000 Trust, Russell filed documents in the Probate Court – under oath – asserting that the at-death value of Brown's worldwide music empire and claims against the Cannon Group was less than $4.7 Million.

233. On information and belief, Russell earlier, and falsely, represented to the IRS that Bob and Adele had committed the federal crime of overstating Brown's assets by $79 Million – more than 15 times their real value – for the improper purpose of obtaining a $5 Million dollar commission.

Russell Claims Tommie Rae's Elective Share a "Slam Dunk"

234. In early 2008 and thereafter Bob and Adele moved to protect the Estate/2000 Trust by dismissing or obtaining Summary Judgment ("SJ") as to Tommie Rae's challenges to the Will and 2000 Trust and other claims to entitlement on the following grounds;

a. Her "spousal" claims (Elective Share & Omitted Spouse) were not timely filed because they were filed in the wrong Court; failed to comply with legal requirements, including a summons and were otherwise defective;

b. She was not Brown's spouse;

c. Before entering the void ceremony she had waived any claim to Brown's assets;

d. After the void ceremony and Brown's discovery of her marriage, Tommie Rae agreed never to claim to be Brown's common law spouse.

235. On September 15, 2008, just after the Lukich decision, Bob and Adele supplemented their Motion to Dismiss all "spousal" claims of Tommie Rae. These motions have not been heard. On November 1, 2011, Russell's counsel told the Supreme Court Tommie Rae's Elective Share claim was a "slam dunk." On information and belief, an SA/ST is needed to free the Estate/2000 Trust from statements Russell made under the void appointment; hold Tommie Rae's baseless claim to 1/3 of the $5 Million she claims was the value of Brown's assets at death LESS costs of administration; then defeat the claim because she was not Brown's spouse; was intentionally omitted; is not an heir; and has waived all rights.

Russell's Actions in Case 4900 and Refusal to Get GALs

236. Since 2007, Bob and Adele have protected the $285,000 share of the 7 had grandchildren for whom Brown provided a trust under the 2000 Trust while Russell and with their own parents sought to destroy them. Russell and Wingate made the already-damaged minors among them Plaintiffs against Adele and Bob in Case 4900, but have refused for 3 years to appoint a Guardian ad Litem ("GAL") for them. In 2012 Russell and Wingate filed a Motion to Strike Adele's beneficial Offers of Compromise to the minors which, on information and belief, neither he nor Wingate presented to them before the motion. On information and belief, and SA/ST serving under the Will and 2000 Trust is essential to undo this damage in Case 4900.

Russell's Knowledge of Terry/Forlando's Fraud on the Courts

237. Forlando, the "family" face of Buddy and Cannon, continues in 2013 his deception of the Federal and State Courts begun when he filed a known-false

stipulation in September 2007; hired Buddy's PG lawyers in September 2007 to investigate Bob and Adele; and filed his egregious, verified false lawsuit on January 2, 2008.

238. On November 19 and 20, 2008, Jg. Bertelsman held 2 days of hearings in the Forlando Case on Forlando's request for a temporary injunction to prevent the 2000 Trust from taking any action until the Cannon Group Trustees were returned. Forlando's position was that:

a. Jg. Early had acted illegally;

b. Bob and Adele were pawns of the "family" who mismanaged the Trust; and

c. Jg. Early illegally appointed them, so the Trust must be enjoined from any action until the Cannon Group was reinstated.

239. Forlando, through PG, Bell and others, has consistently lied to and deceived the Federal Court in the following, and other, particulars:

a. By attaching the fabricated Buddy second Schedule B to his verified complaint, asserting it was a true copy of the Trust, removing it only after Bell's *pro hac vice* status was challenged in State Court;

b. By Forlando's asserting to the Federal Court that he was not a party to any State Court proceeding, even though he was – and is – a Plaintiff in Case 122;

c. By Bell's filing a false affidavit saying he [Bell] relied on representations of Bob and Adele when he advised Forlando to sign a September 2007 Stipulation in Case 122.

d. By Forlando's assertion to the Federal Court that he was an impoverished student seeking only to carry out his Grandfather's Estate Plan, when he had actually been awarded 39% of TJBL to bring the fabricated Federal Suit.

240. After January 30, 2009 Forlando and Terry, both through Bell and PG, began taking opposite sides at the same time in different courts with the same counsel:

a. Forlando continued to oppose the settlement while Terry not only embraced the settlement but acquired a ROFR to buy Brown's music empire;

b. Forlando continued to represent himself as having no assets, and Terry to be the owner under the settlement of nearly 5% of the Estate and having a ROFR – even though Terry secretly transferred the ROFR and his entire interest in the Estate to Forlando on January 4, 2011.

c. Forlando asserts in Federal Court that the value of Brown's music empire is $100 Milion, while Terry asserts to the Supreme Court that it was worth less than $4.7 Million when Brown died.

d. Forlando says Russell's less than $4.7 Million is "bogus." Terry says it is correct.

241. In late 2011 Forlando told the Federal Court he wished to abandon his suit against Bob and Adele, after causing them to incur about $1/2 Million in legal fees to prevent total paralysis of the 2000 Trust.

242. On April 13, 2012 Forlando appeared at status conference before Judge Bertelsman in Federal Case, and made the following representations as Judge Bertelsman considered the Counterclaims:

THE COURT: Well, do you have any assets, Mr. Brown?

MR. BROWN: I do not.

THE COURT: So my father....said you can't get blood out of a stone....But so you're going to pursue these counterclaims, but if he has no assets – You willing to give us a sworn financial statement?

MR. BROWN: Absolutely.

THE COURT: Okay. He doesn't have any assets. Do you stand to gain an inheritance under the settlement in the State Court?

MR. BROWN: Not unless my father were to pass away. . .

243. In February 2013 Forlando disclosed Terry's secret assignment to him of

Terry's Interest in the Estate; that he had secured offers of $50 to $120 million, but that Russell did not want to sell. As for Russells' less-than $4.7 million valuation, he stated:"The low value is bogus, so that no one can say Russell damaged the assets." [N.Obs., 2/13/]

244. On information and belief, Russell knew about the Assignment and had hired PG himself for "tax advice", yet he advised the Federal Court the 2000 Trust had no desire to collect the attorneys' fees and costs of the Forlando Suit from Forlando.

245. On information and belief, Russell's action must be corrected before it becomes binding on the 2000 Trust, causing irreparable harm.

246. Russell has told the Supreme Court that one thing that is clear: Cannon and Buddy are liars. Yet he continues to shield their joint venturer Forlando.

247. Since the first *Wilson v. Dallas* decision Forlando has engaged 3 new lawyers, and has made the most egregious statement to date.

248. Forlando's new lawyers have expanded the false whisper campaign Buddy, on information and belief, began in 2007 that Jg. Early was favoring Adele because they had an affair years ago.

249. Amazingly, Forlando's new lawyers have just – in 2013 – made the false representation to the Federal Court that Adele admitted this.

250. The new allegation – like the old one – is false. There was no affair. It is just one more malicious attack on anyone who wants to protect the Estate Plan and prevent Buddy and Cannon from being paid $10 Million.

251. In 2013 Forlando also accused Bauknight of impropriety, which is not unusual for Forlando. What is unusual, and needs review under the *Wilson v. Dallas* mandate, is:

a. Russell's hiring of Forlando/Buddy's lawyers, PG, for "tax advice" related to the settlement, and its relationship to the less-than $4.7 Million value;

b. "Confidential" payments Russell advised the Court on May 29 that he has made to counsel for former fiduciaries;

c. The preparation by Bauknight's NP lawyers of the Modification by Terry of the Legacy Trust, made at the same time of the assignment to Forlando and secreted from the Supreme Court and the Federal Court for 2 years.

252. On information and belief, an ST is needed in the Forlando Suit to protect the 2000 Trust both from Forlando and Russell.

Russell's Estate Tax Return Needs to Be Corrected

253. On September 25, 2008 court-appointed CPA William Sellars filed the Estate Tax Return for the Estate of James Brown, showing all assets at just under $85 Million (Approximately $100 Million less the TIAA Debt.).

254. Bill Sellars and his partner Mary Jo Cole ("Sellars & Cole") served the Estate/2000 Trust faithfully between August 10, 2007 and May 26, 2009, and were properly paid.

255. On May 6, 2011 Russell – while acting under Color of State Authority, which he did not have – began to accuse Bob and Adele of the Federal Crime of overstating Brown's music empire by $79 Million for the improper purpose of obtaining a $5 Million commission.

256. Russell, on information and belief, made this same false allegation to the IRS months earlier.

257. On information and belief, the allegation was made with the intention of – and did – severely damage Bob's and Adele's careers.

258. In 2012 Adele was engaged by a $40+ Million upstate private foundation to

conduct a multi-year self study as it transitions to a new generation of trustees.

259. In connection with her proposed engagement, Adele disclosed, as was prudent:

a. That she had no professional liability insurance because it had been cancelled when Russell, Tommie Rae and others filed Case 4900;

b. That she had been accused by someone purporting to speak for the State of impropriety in the very area in which she was being engaged, including of making knowing false statement to the IRS; and

c. At the time she had no idea of the outcome of *Wilson v. Dallas;* had been sued for conducting the appeal and other alleged wrongdoing; but believed the decision was important for the future of private philanthropy in South Carolina.

260. On information and belief, the Trustees would not have hired Adele had they not known from earlier direct dealings with her that the allegations were inconsistent with what they had observed.

261. The shadow cast by these false allegations has rendered Adele unable to accept engagements as an expert, for mediations and consultations, and for other collaborations which should be the heart of her career at this stage.

262. But Russell's action damages the Estate/2000 Trust as well, and needs to be corrected.

263. Russell's lawyers have told the media the "appraisal" that supports this outrageous claim is "under lock and key"

264. On information and belief, it needs to be unlocked; corrected; and thrown away.

The Estate/2000 Trust Need to Be Out of the FOIA Suits

265. In August 2011 Adele filed a FOIA suit to get the Wingate Litigation

Retention Agreement and the Legacy Trust document, among others.

266. By September 2011, Russell had engaged L&B to fight FOIA release of the Legacy Trust, even though he had sued Bob and Adele in the name of the Legacy Trust and it was created by a public official.

267. On December 9, 2011, Russell and Terry sought sanctions against Adele in a FOIA case in which they are still attempting to intervene. Both concealed that Terry had no interest in the Estate/2000 Trust for almost a year.

268. On January 9, 2012, Russell/Legacy Trust moved to strike 6 affidavits in support of the importance of FOIA compliance.

269. On January 11, 2012 3 attorneys traveled to Newberry to appear for Russell/the Legacy Trust to try to delay FOIA compliance in two cases by consolidating them with Case 4900. [Argument Gende, 1/11/12, 2011-CP-36-00379, p.42.]:

270. By May 2013, Russell, Terry and Tommie Rae, through Wingate, had taken the following action:

1. Had the Newberry FOIA suit to obtain the Wingate Contract, transferred to Richland and consolidated with Case 4900,even though AG Wilson said he was ready and more than willing to release it in 2011, delaying release of a document *Wilson v. Dallas* requires this Court to review for almost 2 years;

2. Sought to enter that FOIA suit and obtain sanctions against Adele;

3. Sought, on behalf of the Legacy Trust, to keep a copy of the Trust secret, even though the Trust had sued Bob and Adele;

4. Were fighting to keep the less-than $4.7 Million claimed valuation documents from being disclosed even though they were the basis for federal criminal allegations against Bob and Adele.

268. On information and belief, an SA/ST who will defend the Estate Plan – not Russell, Wingate and Tommie Rae – is needed.

Bob's Case 4900 "Settlement" and Other Possible Disgorgement

269. On information and belief, *Wilson v. Dallas* requires that either:

a. Bob's Case 4900 settlement be declared void; or

b. Tommie Rae, Terry and others disgorge and return 52 ½% of the $500,000 to the Estate.

269. On information and belief, judicial economy will be served and the *Wilson v. Dallas* mandate honored if the "settlement" is declared void; Bob simply retains the $500,000, which is a little less than he was owed under the January 8 Order; Bob is free to make his full commission request in this case which Russell has forced to be filed by his improvident Notice; and the Supreme Court be advised in any future proceeding that – but for the voided "settlement" – Bob would have joined Adele in the Motion for Reconsideration filed after the first *Wilson v. Dallas* decision.

270. It was unconscionable – at best – for Russell to withhold $500,000 Bob had been due for three years to put him in the desperate financial position.

271. On information and belief, Russell – at the same time– threatened to use the mighty resources of State and the James Brown music empire against Adele, promising to be able to outlast her if she did not settle Case 4900. She did not.

271. The State is now asking to be out of Case 4900. On information and belief, Russell should not use Brown's money to fight a fight which did not need to happen.

272. On August 2, 2012 Adele served the Estate of James Brown with an Offer of Judgment in Case 4900 which offered:

"a. The claims of the ESTATE against ADELE in this Case are hereby

dismissed with prejudice and forever ended;

b. ADELE asserts that she is willing to assert her claims, briefly described below, against the ESTATE, in Aiken County and/or elsewhere, where many are now pending:

1. To set aside the MaMaster Settlement....

2. To be paid under the January 8 [Order]...

3. For a commission as filed in the Aiken County Probate Court.

4. For the costs of Case 122 and the Forlando Case..

As a result it is appropriate, and this Court hereby dismisses the ESTATE as a party to this action and directs that its name be removed from the caption.

AND IT IS SO ORDERED."

272. As is shown on Exhibit 7, less than 2 weeks later Russell moved not only to strike this reasonable offer to the Estate, but fourteen other offers, including those to minors without a GAL.

273. On information and belief, Russell's actions to destroy the Estate/2000 Trust and anyone who defends it must be stopped; his current appointments should be voided and/or he be removed; he should account for this and other actions; a litigation SA/ST should immediately be appointed to complete Case 4900 and this Case; the Forlando Suit; the FOIA matters; and all other litigation.

274. On information and belief, Russell should be required, within 30 days, to account for 2012 and 2013 to date and produce all documentation related to the less-than $4.7 Million value, at which time either the Litigation SA/ST or another, should be appointed to administer the Estate/2000 Trust until the appointment of Brown's three

permanent fiduciaries.

275. On information and belief, until he is removed Russell should be directed to make no statements on behalf of the Estate/2000 Trust which are, or might be construed to be:

a. Supportive of the claims of Tommie Rae;

b. Related to the value of the assets;

c. About the Federal Copyright Act; the heirs; or any other matter which Might prejudice the Estate/2000 Trust in its defense of the claims of the Case 1647 Plaintiffs.

276. A properly acting SA/ST representing the Will and 2000 Trust will be able to determine whether Bauknight, Tommie Rae and others should remain in default in Case 4900; whether Tommie Rae is not Brown's spouse; and the other issues that are – but for 4 depositions – ready for dispositive motions and trial Case 4900.

Russell's Statements Damage the Estate/2000 Trust

277. On October 31, 2011 Russell, through NP counsel, issued a statement intended to destroy not only Bob's and Adele's chances of being reinstated as PR/Trustees, but their careers. It was repeated in in 331 media outlets.

278. On November 1, 2011, Russell, through NP counsel, made the following representations – all damaging to the Estate/2000 Trust and all incorrect – to the Supreme Court:

1. The Estate/2000 Trust has no corpus "to speak of;"

2. Copyright Termination Rights are "all this case is about;"

3. Tommie Rae's Elective Share claim was a "slam dunk;"

4. If Tommie Rae didn't get all the Termination Rights, the settling claimed

children would.

5. He knows the value of Brown's Estate [the Less than $4.7 Million].

122. In March 2012 Russell blamed the Attorney General for Russell's own failure to appear at the Cannon plea and seek restitution.

279. On information and belief, on May 18, 2012 Wingate and Russell moved to compel Bob to accept an illegal settlement which prevented Bob from protecting Brown's Estate Plan.

280. Since 2009 Russell has secreted documents which will show, on information and belief, that his positions are – at best – misinformed.

281. On June 6, 2012, through NP lawyers, Russell joined Tommie Rae in a 10-page Return filed in this Court trying to keep in place the Gag Orders related to the so-called Hynie "Diary" while admitting that "[t]o grant Pope's motion will cause irreparable harm to [Tommie Rae]" – ie, her claim to be Brown's spouse. Russell asserted Adele had "unclean hands;" that Adele had not returned the original (incorrect); and even attempted to assert Tommie Rae's Due Process rights. [Ret.Dtd. 6/6/12, Case 122.]

282. On information and belief, this damage to the Estate Plan should not be allowed to continue. Bauknight should be permanently removed; required to account; and an SA/ST loyal to the Will/2000 Trust appointed.

<u>For A Third Cause of Action</u>
(Leave to Amend After Removal and/or Appointment of SA/ST)

283. Plaintiff restates and incorporated Paragraphs 1 through 282 as fully as if

set out herein.

284. Plaintiff and Bob have never been adverse to the Estate of James Brown or the James Brown 2000 Irrevocable Trust.

285. On May 19, 2010 when Russell brought the egregious Case 4900 in the name of the Estate/2000 Trust Bob and Adele were forced to counterclaim.

286. Plaintiff respectfully asks the Court to allow her to amend after the Court considers issues related to the appointment of an SA/ST.

For A Fourth Cause of Action
(Attorneys' fees)

287. Plaintiff restates paragraphs 1 through 286 as fully as if set out herein.

288. On information and belief, Plaintiff is entitled to attorneys' fees and costs under the S.C. Probate Code and S.C. Trust Code in this action because it has been to assist in the protection and proper administration of the Estate of James Brown under the Will and 2000 Trust.

289. On information and belief, Russell, individually, should pay all costs of the Notice, his Individual Defense of this Case, and the Estate's defense because it was brought in bad faith to promote his own interests and those of Tommie Rae.

Prayer

For each of the reasons set forth above, Plaintiff prays that this Court inquire into the matter and issue its order as follows:

1. Voiding the Notice of Disallowance; the Buchanan Settlement; and Russell's appointments as SA/ST, to the extent they have been made.

2. Granting Plaintiff and Bob the full amount of their claims as filed, including legal prejudgment interest at 8 3/4% on all amounts due under the January 8, 2008 Order and such additional amounts as the Court deems proper in light of their valuable service.

3. Removing Russell both temporarily and permanently, from all fiduciary positions with respect to the Estate/2000 Trust and requiring him to account and/or disgorge as appropriate;

4. On an emergency basis, appointing a Litigation SA/ST to protect the Estate/Will and 2000 Trust from further damage by Russell; conclude the Estate/2000 Trust's involvement in Case 4900; conclude the FOIA cases; conclude the Forlando Suit; and prepare Case 872 for trial by correction of parties and discovery, all as set out herein, including payment independent of Russell. And appointing an additional SA/ST for administration only.

5. Directing Russell to take no further action on behalf of the Estate/2000 Trust or any Brown Entity except to account and protect assets; and make no statements adverse to the Will or Trust; and to account within 30 days.

6. Ordering that any attorney or fiduciary or former fiduciary seeking any payment from the Estate, 2000 Trust and/or any Brown entity must make his entire file open to the SA/ST(s) immediately.

5. Impaneling a jury as to the valuation matter and other factual issues.

6. Directing Russell, Individually, to pay all costs and attorneys' fees of this action, with the Estate/2000 Trust to pay no portion of Russell's fees and costs and only such of Adele's as Russell does not, individually, pay as directed.

7. For such other relief as may be just.

Respectfully submitted,

Adele Pope

Adele J. Pope, *Pro Se*
1228 Walnut Street
Newberry, South Carolina 29108
803-413-0753
adele@popelawfirm.com
S.C.Bar No. 4501

June 8, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF: AIKEN)
)
ADELE J. POPE)
Petitioner)
vs.

ESTATE OF JAMES BROWN, DECEASED; THE JAMES BROWN 2000 IRREVOCABLE TRUST; RUSSELL L. BAUKNIGHT AND OTHERS
Respondent(s) (if applicable)

IN THE PROBATE COURT

PETITION FOR ALLOWANCE OF CLAIM

CASE NUMBER: 2007-ES-02-0056

Exhibit 1

The undersigned petitions the Court to allow the following claims against the estate in the amounts set forth below:

Creditor Name and Address	Amount of Claim
Adele J. Pope, 1228 Walnut Street, Newberry, SC 29108	
~~All Amounts Requested in Original Claim and All Relief Requested in Complaint of Which this Petition for Allowance is an Exhibit, all of which is incorporated herein by reference.~~	

In support of this Petition, Petitioner states that each claim is valid, was presented within the period for the presentation of claims as provided by law, and has not been paid, and, as to those claims which were presented to the Personal Representative and not filed with the Court, that a copy of the statement of each such claim is attached to this Petition and made a part hereof.

(Other:)

See Complaint to Void Appointment and Notice of Disallowance and for other relief, filed herewith.

Executed this 5th day of June, 2013.

Signature: Adele Pope
Name: Adele J. Pope
Address: 1228 Walnut Street
Newberry, South Carolina 29108
Telephone(O): (803) 413-0753
(H):

Attorney:
Address:

Telephone:

Exhibit 2

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF AIKEN	)	**NOTICE OF DISALLOWANCE OF CLAIM**
	)	
IN THE MATTER OF: JAMES BROWN		CASE NUMBER: 2007 ES02 0056

TO:

Name: Adele J. Pope
Address: 1226 Walnut St.
Newberry, SC 29108-3554

The undersigned, as the Special Administrator, appointed to administer this estate, disallows all of your claim for $4,993,151, plus any requests for attorney's fees, costs or other ancillary costs associated with your claim presented on July 17, 2009.

Your claim was disallowed for the following reason(s):

This claim was filed jointly with Robert L. Buchanan, Jr., who has settled his claim against the estate. You only served as Co-Personal Representative and Co-Trustee of the James Brown 2000 Irrevocable Trust for a relatively short period of time. During the period of approximately 18 months that you served as Co-Personal Representative and Co-Trustee, there is no way that $4,993,151.00 in fees and commissions could have been legitimately earned. The affidavits you submitted to substantiate your claim describing the hours you spent in these roles confirm this. Further, your claim is based on an overinflated, unsubstantiated and self-serving valuation of the probate estate as of the date of Mr. Brown's death.

You petitioned the court and obtained an Order dated January 8, 2008 allowing payment to yourself and Mr. Buchanan toward your commissions for service as Special Administrators in the amount of $317,000, plus costs. This payment may now be subject to disgorgement pursuant to the Supreme Court's opinion in this matter dated May 8, 2013, in which the Court found that you were properly removed as Co-Personal Representative and Co-Trustee for cause.

This claim is disallowed on the basis that the requested fees and commissions were not earned and therefore are not due and owing, and further that the Estate is entitled to an offset for any damages suffered as a result of any maladministration during your service as Co-Personal Representative and Co-Trustee.

Failure to protest this disallowance of your claim, (that is, failing to file your petition for its allowance (form #373PC) in the Probate Court and failing to commence a proceeding on the claim within thirty days after the service of this Notice of Disallowance of Claim), shall result in your claim or the disallowed portion of your claim being forever barred.

Executed this 29th day of May, 2013.

Signature: _____
Name: Russell L. Bauknight
Address: 1517 Gervais St.
Columbia, SC 29201
E-mail: rbauknight@boscpas.com
Telephone (O): 803.771.8943
Telephone (H): _____

Exhibit 3

Wilson v. Dallas Review - Summary, *Wilson v. Dallas* and Related Cases

1. *Wilson v. Dallas* - a/k/a/ "Case 1647" - Aiken Cty. Case No. 2008-CP-02-1647. Commenced in September 2008, withAG Wilson seeking removal of Cannon and Buddy; Amended Complaint , October 2008, by Tommie Rae, Deanna & Others seeks appointment of Russell as SA/ST, termination of all prior fiduciaries. See decision, May 8, 2008.

2. "Case 122" or the "Removal/Appointment Case" – Aiken Cty. Case No. 2007-CP-02-0122.

   This is a conglomeration of various filings made in both Circuit Court and Probate court between January 2007 and May 2008 when the Aiken Cty. Clerk, under direction of Jg. Doyet A. Early, III, began to segregate separate cases. Includes filings by Tommie Rae, Forlando, Terry and others to remove David Cannon, Albert "Buddy" Dallas and now-deceased Al Bradley as PR/Trustees.

3. The "Cannon Appeals" -

   Two appeals taken by David Cannon from Orders of Jg. Early in Case 122. Bob and Adele, through Jim Bailey and Tressa, handled Cannon appeals, including preparation of briefs and first decision in first Cannon appeal. Russell was substituted in late 2009 in the first appeal, and Russell and Louis conducted the second Cannon appeal.

4. The "Cannon Plea" Matter -

   Barnwell County Case in which Cannon entered an Alford Plea in October 2011 for some of $12+ Million takings and 2008 forgery with which he was charged. Russell did not attend Plea hearing or send Victim Statement for "I Feel Good" Trust who suffered loss. At later hearing, he asserted that he was told by AG not to come to the hearing. Matter pending.

5. "Case 322" or the Few/Gilreath Case

   Brought by court-appointed Kendall Few, Esq. and James Gilreath, Esq. in early 2008 to recover $13+ Million taken by Cannon from Morgan Stanley Account and other losses between 1999 and 2006. Few/Gilreath engaged at request of Bob and Adele. Settlement with Farr and apparently Cannon. Case against GT and Buddy pending.

6. The Morgan Stanley Cases
   See Case 322. Related and settled in the Summer of 2009.

7. Cannon Claim Case -
   Brought by Cannon in 2008 after Bob and Adele disallowed his $5 Million claim. Handled by Jim Bailey. Summary Judgment motion filed by Bob and Adele in August 2008. Concluded in 2012 by Russell after prompting from Adele.

8. Dallas Claim Case - Aiken Cty. Case No. 2008-CP-02-1426
   Brought by Buddy in 2008 seeking $6 Million commission as PR/Trustee. As with Cannon, Jim Bailey, for Bob and Adele, filed Summary Judgment in 2008. Russell has handled since 2009. Pending.

9. Dallas Bankruptcy -

Buddy filed for Bankruptcy in Georgia in 2010. Claimed his major assets were $6 Million claim against Estate and $330,000 claim against Wayne Byrd, Esq.

10. The "Forlando Case" - No. 3:08-cv-00014-WOB Brought by Forlando, with Powell Goldstein, David Bell, Esq., others,

on January 2, 2008 seeking to enjoin the 2000 Trust from taking any action until Cannon Group returned as Trustees, damages against Bob and Adele. Claims abandoned by Forlando in 2012. 200 Trust's and Bob's and Adele's Counterclaims for attorneys' fees, etc.

11. "Case 4900" - Richland County Case 2010-CP-40-4900

Brought May 19, 2010 by Wingate Firm, Legacy Trust and Russell as agent for Tommie Rae, Terry, others, as well as purported agent for AG/State seeking tens of million of dollars against Bob and Adele for pursuing *Wilson v. Dallas* appeal and not accepting $100 Million 2007 offer for Brown assets, among others. Bob and Adele Counterclaimed. "Settlement" with Bob challenged. Pending.

12. FOIA #1 - Richland County Case No.

Brought by Adele, attorney Adam Silvernail, August 2011, to obtain copy of Legacy Trust which sued Bob and Adele in 2010, L & B representing Legacy Trust.

13. FOIA #2 - Consolidated with Richland County Case 4900

Brought by Adele, attorney Adam Silvernail, August 2011 to obtain AG's copy of Litigation Retention Agreement to sue Adele and Bob in Case 4900 and Russell's authorization to assert that he speak on behalf of AG/State. Russell seeking to intervene on behalf of Estate/2000 Trust to prevent release of Wingate. AG has consented to release.

14. The Hynie "Diary" Gag Order Appeal

Resulting from Jg. Early's failure to hear Adele's request to declare void or expired 2008 Gag Orders related to writings known as the Hynie "Diary" after Tommie Rae sued Adele and Bob in Case 4900. Dismissed as moot after *Wilson v. Dallas*. Pending before Jg. Early.

15. The Kevin Jones Suit

Federal Suit in Louisiana brought against Adele, Jg. Early and others making false claim that Brown's civil rights denied by rigged DNA test of Mr. Jones. Adele defended *pro se*. Dismissed.

16. The Cincinnati Cases

Suit brought by Cincinnati against Bob and Adele after they cancelled insurance when Case 4900 was filed. Pending.

17. "Case 872" or the "Will/Trust Contest"

Two suits brought by Deanna and four siblings on December 26, 2007 in Probate Court seeking to set aside 2000 Will and Trust and have "administration in intestacy." Estate/Trust through Bob and Adele and Jim Bailey, defended on behalf of Estate/2000 Trust,

Exhibit 4
Wilson v. Dallas Review
Proposed Fiduciary Payments
And Other Payments as Requested by Plaintiff

1. David Cannon - Claimed: $5+ Million
   Amount to be Paid: $0

   Reason: Took at least $13 Million; forged documents; failed to account; failed to protect 2000 Estate Plan or 1999 Estate Plan;

2. Al Bradley - Claimed: $5 Million
   Amount Paid by Russell: $9,000
   Amount to be paid: As stated

   Reason: Al failed to properly check on Cannon under the POA and/or 2000 Trust, but did not participate in the takings and have knowledge of them; had reason to believe they may have been authorized. Al uncovering the fabricated Dallas/Cannon Schedule B, and vigorously defended the Estate Plan.

3. Albert "Buddy" Dallas - Claimed: $6 Million
   Amount Paid by Russell: unknown
   Amount to be Paid: $0

   Reason: Buddy was in the strongest position to defend the 2000 Estate Plan and backup 1999 Estate Plan. He chose, instead, to try to grab $6 Million; leave the music empire in shambles; and – in words he attributes to Mr. Brown – "get out from behind the desk."

   He lied to the Court; is still orchestrating the Forlando Suit; orchestrated the Bell dirty tricks, including 6 grievances against Louis Levenson; falsely accused Adele and Jg. Early of impropriety; and fabricated the 2d Schedule B.

4. Adele Pope: - Claimed and to be Paid:
   (1) Full Amount awarded under January 8, 2008 Order as SA & PR/Trustee, with legal interest, currently about $2.2 Million
   (2) Such additional amounts, up to total of $2.8 Million, fees and costs as Ct., after full hearing, determines.
   (3) Costs and Attorneys fees for Bailey, Hayes, Silvernail, Gonzalez, ALPS, Ruff and as paid on accountings and incurred since. Where possible, equitably charged against Terry, Forlando and others.(But not Minor Beneficiaries of Education Trusts or Venisha without GAL) .

5. Robert Buchanan, Jr. Claimed: Made uncertain until Case 4900 "settlement" voided;
   Amount to be paid: A reasonable portion of remaining $1.7 Million of claims as determined by the Court, plus Costs as reasonably requested.

6. Russell L. Russell - Amount Paid: Unknown
   Amount to be Paid: $0 - unless immediately and irrevocably severs ties with Tommie Rae, Terry, Forlando, PG, Cannon and Buddy; renounces any attempt to characterize Tommie Rae as spouse as void; corrects EstateTax Filing and any Improper Copyright Termination Notices; allows a Litigation SA/ST to withdraw support of Estate/2000 Trust for FOIA interference; Case 4900; etc.
   and can properly account to the Probate Court, showing no distributions, direct or indirect, havingbeen made which damage the Estate/2000 Trust.
   If done: Reasonable amount to be determined by Court after full disclosure

Exhibit 5
***Wilson v. Dallas* Review**
Attorneys working for benefit of Estate/2000 Trust and who should be paid by Estate/2000 Trust in *Wilson v. Dallas* and Related Matters

A. Attorneys for Estate/2000 Trust through one or more of Original Trustees Cannon, Buddy & Bradley who served interest of Estate/2000 Trust

1. Strom Thurmond, Jr., Esq.
2. David Martin, Esq.
3. Rodney Peeples, Esq.
4. Cam Lewis, Esq. - Lewis & Babcock (all "L&B"- only for work before 11/20/07)
5. Arial King, Esq. - L&B
6. Keith Babcock, Esq. - L&B
7. Jonathan Harling, Esq. - L&B
8. William Tucker, Esq. - Hull Towell ("HT") - but not Wm. Hammond
9. Wayne Byrd, Esq. (Partial)
10. Audra Byrd, Esq. (Partial)

B. Attorneys for Estate/2000 Trust and for benefit of Estate/2000 Trust through Bob and/or Adele

11. James Bailey, Esq. - Claims, General Litigation
12. Tressa T. H. Hayes, Esq. - Appeals
13. Ray Gonzales, Esq. - Zumwalt & Hayes, Nashville - Entertainment
14. Alan Rothschild, Esq. - Exempt Organizations
15. Harley Ruff, Esq. - Tax, Re: *Wilson v. Dallas*
16. James Richardson, Esq. - *pro bono publico* - costs only
17. Daryl Williams, Esq. - Adele, Defense of Forlando Federal Suit
18. Cal Watson, Esq. - Bob, Defense of Forlando Suit
19. Elizabeth Gray, Esq. - Bob, Defense of Forlando Suit
20. Tom Young, Esq. - Bob, Defense of Cincinnati Insurance Cancellation (Bob)
21. Adam Silvernail, Esq. - Adele, Counterclaims, FOIA
22. Adele Pope, Esq. - *pro se*, Kevin Jones, Hynie "Diary" Gag Order and other matters to protect Estate/2000 Trust after May 26, 2009.

Exhibit 6

Wilson v. Dallas Review

Attorneys in *Wilson v. Dallas*, Related Cases who should be paid by Russell, Legacy Trust, Tommie Rae, Terry/Forlando and/or Others, but Not by Estate of James Brown,James Brown 2000 Trust or Brown Entities

1. William Hammond, Esq. - Hull Towell ("HT")
2. William Custer, Esq. Powell Goldstein ("PG"), now Brian Cave, LLP. - & all PG attorneys, including 3,4
3. Jennifer Dempsey, Esq. - PG.
4. William Shearer, Esq. - PG.
5. Stan Jackson, Esq.
6. James Huff, Esq.
7. Angela Kirby, Esq. - McAngus Goudelock ("MG")
8. Sherry Lydon, Esq.
9. Eric Bland, Esq.
10. Ronnie Richter, Esq.
11. Jan Warner, Esq.
12. Max Pickelsimer, Esq.
13. Brent Fortson, Esq. - Greenville
14. Richard Ness, Esq.
15. Gene Covington, Esq.
16. Wes Kirkland, Esq.
17. Henry McMaster, Esq.
18. David Black, Esq. - Nexsen Pruet ("NP")
19. Freddie Kingsmore, Esq. - NP
20. William Wilkins, Esq. - NP
21. William Klett, Esq. - NP
22. William Newsome, Esq. - NP
23. Rick Reames, Esq. - NP
24. Stephen P. Groves, Sr., Esquire
25. Kenneth Wingate, Esq. - Sweeney, Wingate & Barrow, P.C. ("SWB")
26. Mark Gende , Esq. - SWB
27. Erin Hayes, Esq. - SWB
28. Rett Kendall, Esq. - SWB
29. Todd Boudreaux, Esquire - Augusta
30. Julio E. Mendoza, Esq.- NP
31. George, A. Scott, Jr., Esq. - NP
32. G. Markus Knight, Esq. - NP
33. Robert Rosen, Esq.
34. Alan Medlin, Esq.
35. T. Heyward Carter, Esq.
36. Jean Lee, Esq.
37. Steven Slotchiver, Esq.
38. Albert P. Shahid, Esq.
39. David L. Michel, Esq.
40. John Sparks, Esq. - Atlanta
41. David B. Bell, Esq.
42. The Hon. Ernest Finney,
43. Jerry Leo Finney, Esq.
44. Ronnie Maxwell, Esq.
45. Matthew Bodman, Esq.
46. Louis Levenson, Esq.
47. David Yount, Esq.
48. Lori Chrisman - Levenson's firm
49. William Barr, Esq.
50. Camden Lewis, Esq. - after 11/20/07, FOIA matters
51. Arial King, Esq. - after 11/20/07, FOIA matters
52. Andrew J. King, Esq.
53. William Bird, Esq.

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF AIKEN	)	
	)	
Adele J. Pope,	)	Estate File No. 2007-ES-02-0056
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Estate of James, Brown, Deceased et al.	)	Motion for Expedited Voiding
	)	Of Claimed Appointments;
Defendants.	)	Notice of Disallowance; and
AND:	)	Appointment of SA/ST, Including
	)	Emergency Appointment of SA/ST
Robert L. Buchanan, Jr.,	)	For Litigation to Accept Service
Interested Party.	)	And Prevent Further Loss by
	)	Bauknight

TO RUSSELL L. BAUKNIGHT, ALL DEFENDANTS AND INTERESTED PARTY:

YOU WILL PLEASE TAKE NOTICE that Plaintiff, as soon as she may be heard will move before the Court at the Aiken County Courthouse located at 109 Park Avenue SE, Aiken, South Carolina pursuant to for an Emergency Order as follows:

1. Voiding any SA/ST Appointments granted to Russell L. Bauknight ("Russell")

2. Appointing an SA/ST for the Estate of James Brown and the James Brown 2000 Irrevocable Trust (the "Estate/2000 Trust") who:

a. Is not connected in business with any current or former fiduciary;

b. Will have the time and accept the appointment for $300 per hour, and costs to vigorously defend the Will of James Brown, the Estate and the 2000 Trust in pending litigation which must be completed or progress for this Court to comply with the mandate of *Wilson v. Dallas.*

c. To be paid from the Estate of James Brown/2000 Trust by direction of the Court, including all costs on an ongoing basis;

d. To accept service of, and defend this Action;

e. To appear and represent the Will/2000 Trust and Estate of James Brown in Case 4900 in light of *Wilson v. Dallas;*

f. To appear and represent the 2000 Trust in the Forlando Federal Suit;

g. To appear and represent the Estate/Will/2000 Trust in all FOIA matters;

h. To appear and represent the Estate/Will/2000 Trust in preparing Case 872 for Trial, including correction of parties; DNA testing; discovery; and all other matters.

I. To represent the Will/Estate/2000 Trust in all other litigation as necessary.

I. To do so without regard to the position taken by Russell in any litigation pending during the *Wilson v. Dallas* appeal.

j. To report to this Court no later than 150 days from his appointment, or earlier if needed, as to his progress in the protection of the Will and 2000 Trust.

3. Directing that Russell, Plaintiff, Buchanan and all current and former fiduciaries and their counsel who have received or seek payments from the Estate and/or 2000 Trust or any Brown Entity make all files available to the SA/ST and forthwith deliver to him such original files as he requests, for safekeeping, with such party to have continuing access.

4. Requiring Bauknight to produce to Plaintiff and all others all information to support his less-than $4.7 Million at-death value, and to account for his actions through May 8, 2013 within 30-days and to:

a. Take no action which will, or might be construed to, aid any person who has challenged the Will or 2000 Trust; and

b. Show cause at that hearing why he should not be permanently removed from any fiduciary position based on his irreconcilable loyalty to Tommie Rae and fiduciary relationship with Terry/Forlando and others.

The grounds of this motion are:

1. Every fact stated in the Complaint which the action of Russell required Plaintiff to file, on information and belief, to circumvent the mandate of *Wilson v. Dallas,* and which is incorporated herein by reference;

2. Russell's false statements and positions have placed the Estate/2000 Trust in immediate jeopardy in defending the baseless claims of those challenging the Will and 2000 Trust, including:

a. That Tommie Rae's claim for elective share is a "slam dunk."

b. That Jeanette, Lisa, Nicole and La Rhonda are not heirs of James Brown.

c. That Brown's worldwide music empire was worth less than $4.7 Million when he died.

d. That it was the Attorney General's fault that he did not seek restitution against Cannon or make any effort to secure his million-dollar retirement home.

e. That Bob Buchanan and Adele Pope committed the federal felony of intentionally overstating Brown's assets by $79 Million – more than 15 times their value – for the improper purpose of obtaining a $5 Million commission.

3. Russell has failed to protect the minor beneficiaries of the 2000 Trust, making them Plaintiffs in Case 4900 and then refusing to have a GAL appointed.

4. Russell has failed to protect the incarcerated Venisha, naming her as a Plaintiff in case 4900; seeking mediation on her behalf; then asserting she did not need a GAL for the mediation.

5. Russell has damaged the Estate/2000 Trust by failing to recover the Trust's costs for the 5-year-old frivolous Forlando Federal Suit; hiring Forlando's lawyers with Estate/2000 Trust funds; and secretly working on a transfer of the interest of Terry to Forlando – which was then concealed from the State and Federal Courts.

The above motion is based on the Complaint herein and the Affidavit of Adele Pope filed herewith, as well as the S.C. Rules of Civil Procedure, the South Carolina Probate Code, the South Carolina Trust Code, applicable case and statutory law, and such additional documentation as shall properly come before the Court prior to the

hearing on this matter.

Adele J. Pope, *Pro Se*
1228 Walnut Street
Newberry, South Carolina 29108
803-413-0753
adele@popelawfirm.com
S.C.Bar No. 4501

June 9, 2013

D:\Data\docs\JAMES BROWN\MOTION..JUNE.Probate..wpd

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE PROBATE COURT

Adele J. Pope,

Plaintiff,

vs.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former Executor de son tort, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust,

Defendants.

AND:

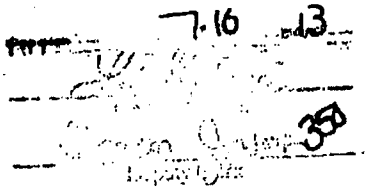
Robert L. Buchanan, Jr.,

Interested Party.

Estate File No. 2007-ES-02-0056

2013-CP-02-1337

NOTICE OF MOTION AND RULE 12 MOTION TO DISMISS, OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT



TO: ADELE J. POPE, ESQUIRE:

You will please take notice that the undersigned, as attorney for Russell L. Bauknight, Individually, will move before this Honorable Court on the tenth (10th) day after service hereof at 10:00 am, or as soon thereafter as counsel may be heard for: (1) an Order, pursuant to Rule 12(b)(6), dismissing all claims and causes of action against Russell L. Bauknight, individually, on the grounds that the Plaintiff has failed to state facts sufficient to constitute a cause of action against Russell L. Bauknight, individually, in that each and every allegation in the Complaint, to the extent it mentions "Russell" or "Bauknight" only addresses his acts and alleged omissions as a fiduciary of the Estate of James Brown ("Estate") and/or the James Brown 2000 Irrevocable Trust ("Trust"); and/or (2) in the alternative, for an Order, pursuant to Rule 12(e), SCRCP,

requiring Ms. Pope to plead a more definite statement of the claim(s) and her entitlement to relief sought from Mr. Bauknight, individually.

Additionally, Mr. Bauknight, in his individual capacity, hereby provides notice to Ms. Pope that he intends to seek attorney fees and costs for his response to the subject Complaint pursuant to S.C. Code Ann. 15-36-10.

Mr. Bauknight has been served with the subject Complaint on four separate occasions. Mr. Bauknight's Motion is in response to each of the Complaints served on Mr. Bauknight, in his individual capacity.

I

Pursuant to Rule 12(b)(6), SCRCP, Mr. Bauknight, in his individual capacity, moves for the dismissal of the Complaint. Ms. Pope does not allege any facts to constitute any cause of action against Mr. Bauknight, in his individual capacity. Ms. Pope, in her Complaint, makes numerous allegations related to the Estate and/or Trust. It is the law of the case that Ms. Pope was removed from all fiduciary positions related to the Estate and Trust. Notwithstanding that glaring fact, Ms. Pope has filed a Complaint seeking to assert claims as if she were still a fiduciary. The S.C. Supreme Court ruled unequivocally, in *Wilson v. Dallas*, Op. No. 27227, on May 8, 2013, that Ms. Pope was properly removed from all of her fiduciary positions related to the Estate and Trust. Accordingly, the subject Complaint should be dismissed, with prejudice, as to any claims against Russell L. Bauknight, in his individual capacity.

II

Pursuant to Rule 12(e), SCRCP, Russell L. Bauknight, in his individual capacity, moves, in the alternative, for a more definite statement. A review of Ms. Pope's Complaint does not reveal a single cause of action against Mr. Bauknight, in his individual capacity. Ms. Pope also

purports to allege claims for or causes of action on behalf of Robert Buchanan. To the extent the Court determines that Ms. Pope has properly plead a cause of action against Mr. Bauknight, in his individual capacity, he seeks a more definite statement of the actions he allegedly took in his individual versus his fiduciary capacity. Rule 12(e), SCRCP, provides a defendant with relief from the type of Complaint offered in the subject action. The Rule provides that, "[i]f a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading."

Ms. Pope's Complaint is filled with vague allegations; however all of them relate to the Estate or Trust...not to Mr. Bauknight, individually. Before Mr. Bauknight is required to frame an Answer, he seeks the assistance of this Court in requiring Ms. Pope to definitively assert the legal and factual basis of her claims against Mr. Bauknight, in his individual capacity, versus claims against him, in his capacity as a fiduciary for the Estate and/or Trust.

III

Pursuant to S.C. Code Ann. 15-36-10, the Defendant, Russell L. Bauknight, individually, hereby notifies Ms. Pope that he intends to seek an award of attorney fees and costs for responding to and defending the allegations in the Complaint. *See Pool v. Pool,* 329 S.C. 324, 494 S.E.2d 820 (1998). As detailed in *Wilson v. Dallas*, supra., the S.C. Supreme Court has unequivocally held that Ms. Pope was properly removed from all fiduciary positions in the Estate and Trust and that her involvement in the Estate and Trust "is not in the best interests" of the same. Accordingly, Ms. Pope's allegations against Russell L. Bauknight, individually, are frivolous, and subject to sanction pursuant to S.C. Code 15-36-10.

IV

In summary, the Defendant, Russell L. Bauknight, individually, does hereby move this Court to issue an Order dismissing the subject Complaint, pursuant to Rule 12(b)(6), SCRCP, or in the alternative, issue an Order, pursuant to Rule 12(e), SCRCP, requiring Ms. Pope to provide a more definite statement regarding the legal and factual basis of her claims against Mr. Bauknight, individually, versus claims against him in his capacity as a fiduciary for the Estate and/or Trust.

Frederick A. Crawford
Richardson Plowden & Robinson, P.A.
1900 Barnwell Street
Columbia, SC 29201
(803) 576-3711
Attorney for the Defendant,
Russell L. Bauknight, Individually

Columbia, SC
July 10, 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William Forlando Brown f/k/a Forlando Brown, Plaintiff, vs. Adele J. Pope, et al, Defendants.	Civil Action No. 3:08-cv-00014-WOB **RUSSELL L. BAUKNIGHT'S (SPECIAL TRUSTEE OF THE JAMES BROWN 2000 IRREVOCABLE TRUST AGREEMENT) MOTION CONFIRMING CONFIDENTIALITY DESIGNATION**

Pursuant to this Court's August 6, 2008 Protective and Confidentiality Order [Dkt. 83] Mr. Bauknight, Special Trustee of the James Brown 2000 Irrevocable Trust Agreement (Bauknight), subject to his prior objections[1] and via limited appearance, hereby confirms the confidentiality designations that were affixed to documents produced on August 20, 2013 in response to Defendant Adele J. Pope's non-party deposition subpoena. Pursuant to the Protective and Confidentiality Order, the documents were reviewed by counsel, marked confidential, and the certification was made concurrently with the disclosure of the documents.

In compliance with the non-party subpoena and this Court's July 18, 2013 Order [Dkt. 269], Mr. Bauknight produced two categories of documents prior to his deposition: (1) the Professional James Brown Estate Valuation prepared by Phillpott, Ball, and Werner; and (2) the

[1] To the extent a separate cause of action ever existed against the Trust, Plaintiff Forlando Brown has dropped his lawsuit against the Trust, and the Trust has withdrawn its counterclaims against Mr. Brown. No claim is pending against the James Brown Trust. To the extent Ms. Pope is attempting to seek assets of the Estate and Trust through this case, such actions are improper and her previous assertions that the probate exception to federal diversity jurisdiction applies [Dkt. 15, Dkt. 86, p. 23] would make that effort futile. *Marshall v. Marshall*, 547 U.S. 293 (2006).

discovery is had. 4 JAMES W. MOORE, ET AL., MOORE'S FEDERAL PRACTICE ¶ 26.75 (2nd ed. 1993). The allegations of a particularized harm are usually in the form of a motion or affidavit, either for a protective order, a return to a motion to compel production, or a response to a challenge of confidential designation. Once the party seeking the protective order has met its burden of showing good cause by alleging a particularized harm, the party seeking the discovery must then come forward and show that the information sought "is both relevant and necessary to the case. When both parties meet their burden of proof, the court must weigh the opposing factors." *Id.* at 26-402.

ANALYSIS

I. Phillpott, Ball, and Werner's Date of Death Valuation of the James Brown Estate

The Professional Valuation Report is a confidential financial compilation of the entire James Brown Estate[3] as it existed on James Brown's date of death. The Professional Valuation Report is protected from unauthorized disclosure pursuant to several state court confidentiality orders covering Estate records. Ironically, it was Ms. Pope that first requested that the Estate's business records be protected pursuant to confidentiality orders (*See* **Exhibit 1**, one of the many Estate Confidentiality Agreements signed and notarized by Ms. Pope, as well as her November 14, 2008 Motion designating ALL Estate records confidential). Ms. Pope should be estopped from now taking a contrary position in this litigation.

The Valuation Report should remain confidential as it contains:

[3] Phillpott, Ball, and Werner's valuation report incorporates analysis and findings from their review of more than one-hundred estate files, including materials and documents that are subject to separate confidentiality orders. Of particular importance, Ms. Pope has argued in this action that those documents contain "*attorney client, work product privileged documents, as well as commercially sensitive trade secret documents.*" [Dkt. 67, Dkt 69 at p. 2]. Allowing Ms. Pope to now take a contrary position places those documents at risk as several commercially sensitive trade secret documents are incorporated into the Professional Valuation Report.

Professional Valuation Report could hamper the Estate's ability to close the biopic deal. The Estate is also negotiating several other royalty agreements that could be placed in jeopardy in the event the Professional Valuation Report is disclosed. *Id.* at ¶¶ 15-17.

Disclosure of the Professional Valuation Report could also unnecessarily harm the Estate in future business transactions by placing the Estate at an extreme disadvantage in negotiating royalties; disclosing proprietary information that will make it difficult to negotiate ongoing contracts (*i.e.* after disclosure competitors will want the same deal); and competitors will be aware of the strategic aspects of the Estate's sensitive business structure and business plan and could use that information against the Estate. *Id.* at ¶¶ 17-18.

Counsel for Ms. Pope ignores Ms. Pope's prior confidentiality designations in this and other lawsuits and instead contends that the Professional Valuation Report is part of the public record due to the South Carolina Attorney General filing a motion to amend the record before the South Carolina Supreme Court. Additionally, Ms. Pope contends the content of the valuation was discussed in other Attorney General filings. However, such contention simply does not hold water. As Mr. Bauknight explained in his deposition, the Attorney General has never possessed a copy of the Professional Valuation Report, the extensive contents of the document has not been disclosed and it has remained confidential at all times. While it is common knowledge that the Internal Revenue Service and Phillpott, Ball, and Werner separately placed a less than $5 million dollar value on the Estate at date of death, the extensive contents, compilations, and all other aspects of the Professional Valuation Report have been kept confidential. The Estate has not waived any privilege relating to the Professional Valuation. *Id.* at ¶¶ 17-20 (emphasis added). Accordingly, the document was properly designated as confidential and as set forth above; the

Estate would be harmed in its business dealings and negotiating positions if the details of its present and future business deals became a matter of public record.

II. Sweeney Wingate and Barrow's Engagement Letter with the Estate

As the South Carolina Supreme Court's May 8, 2013 decision references, the Estate is also involved in litigation with Ms. Pope concerning the damage she caused to the Estate during her relatively short tenure. In May of 2010, the Estate and Trust instituted civil litigation against Ms. Pope in the Richland County Court of Common Pleas; the litigation seeks to recover damages inflicted upon the Estate and Trust as a result of Ms. Pope's breaches of her fiduciary duties during her time as the PR/Trustee of the James Brown Estate and Trust (case 2010-CP-40-4900). The Estate and Trust has retained the law firm of Sweeney Wingate and Barrow, PA, to pursue the litigation against Ms. Pope in the Richland County Court of Common Pleas state court action. Ms. Pope has sought Sweeney Wingate and Barrow's Engagement Letter with the Estate and Trust in that litigation. Ms. Pope also requested the Engagement Letter through several FOIA actions.

On August 9, 2011, the Estate and Trust objected to Ms. Pope's request by filing a protective order with the circuit court (*see* **Exhibit 3**, Sweeny Wingate Motion for Protective Order). That motion is currently under advisement. It is clear Ms. Pope is looking for unrelated fee-splitting retention agreements between counsel for the parties to the now vacated settlement agreement. The private fee agreement is protected from production by the attorney-client privilege and as such, should remain confidential until such time that the circuit court addresses Sweeny Wingate's motion for protective order. *Chaudhry v. Gallerizzo*, 174 F.3d 394, 402 (4th Cir. 1999). Allowing disclosure of the Estate and Trust's Engagement Letter with private

counsel in an unrelated action could damage the Estate and Trust by mooting its privilege objections in the unrelated circuit court actions. *See* **Exhibit 1**, at ¶¶ 19-33.

CONCLUSION

The James Brown Estate and Trust has met its burden of showing good cause by alleging particularized harm through Mr. Bauknight's September 10, 2013 Affidavit (Exhibit 2). Accordingly, the Estate and Trust requests that the Professional Valuation and Engagement Letter with private counsel in the unrelated action be afforded proper protection pursuant to this Court's August 6, 2008 Protective and Confidentiality Order. In the alternative, due to the potential irreparable injury that such public disclosure could cause the Estate and Trust, pursuant to FRCP, Rule 65, the Estate and Trust also moves for injunctive relief prohibiting Ms. Pope, or any other party, from disclosing or otherwise publicly disseminating the Estate and Trust's Professional Valuation and Engagement letter with private counsel outside of this litigation.

Respectfully submitted,

s/ J. David Black
J. David Black, Fed Id No. 7746
Fred L. Kingsmore, Jr., Fed Id No. 2351
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BWilliams@nexsenpruet.com
Russell L. Bauknight, Special Trustee of the
James Brown 2000 Irrevocable Trust Agreement

September 11, 2013

Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William Forlando Brown f/k/a Forlando Brown, Plaintiff, vs. Adele J. Pope, et al, Defendants.	Civil Action No. 3:08-cv-00014-WOB **REPLY IN SUPPORT OF THE SPECIAL TRUSTEE OF THE JAMES BROWN AUGUST 1, 2000 TRUST'S MOTION CONFIRMING CONFIDENTIALITY DESIGNATION**

On September 11, 2013, the then Special Trustee (now Trustee[1]), moved this Court to confirm the confidentiality of two documents, [Doc. 290], designated confidential pursuant to the Court's August 6, 2008 Protective and Confidentiality Order. [Doc. 83]. On September 27, 2013, Counterclaimant Pope filed a response in opposition to the Trustee's motion. [Doc. 299]. On September 30, 2013, Counterclaimant Buchanan filed a response in opposition to the Trustee's motion. [Doc. 300]. In the response, Counterclaimant Buchanan referred to, and consented to, the response filed by Counterclaimant Pope on September 27, 2013. On October 7, 2013 the Trustee filed a reply in opposition to the response of the Counterclaimants. [Doc. 302]. The Trustee's reply was intended to reply to both the response of Counterclaimant Pope, [Doc. 299], and Counterclaimant Buchanan. [Doc. 300]. Because each counterclaimant filed a response on different days, however, the ECF System provided different days to reply to each response. The reply to the response of Counterclaimant Buchanan is due on October 10, 2013. In order to ensure that the record of this case is clear, the Trustee hereby incorporates by

[1] On October 1, 2013, the Honorable Doyet A. Early III issued an order appointing Russell L. Bauknight as the general Trustee and Personal Representative following the remand from the Supreme Court's opinion in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013).

Ex. A - Estate/Trust Refusal

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p.1 c Liz Godard
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Anita Knoepfel
Deputy Clerk

reference his reply filed on October 7, 2013, [Doc. 302], and submits the same in reply to the response filed by Counterclaimant Buchanan on September 30, 2013. By incorporating its October 7, 2013, response herein, the Trustee hereby, and respectfully submits, this reply in opposition to the response of Counterclaimant Buchanan.

Respectfully submitted,

s/ J. David Black
J. David Black, Fed Id No. 7746
Fred L. Kingsmore, Jr., Fed Id No. 2351
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Russell L. Bauknight, Trustee of the
James Brown August 1, 2000
Irrevocable Trust Agreement

October 10, 2013

Columbia, South Carolina

Ex. A - Estate/Trust Refusal

p.2

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	Case No. 2013-CP-02-1337
Adele J. Pope, Plaintiff, v. Estate of James, Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust, Defendants. AND: Robert L. Buchanan, Jr., Interested Party.	MOTION FOR SUMMARY JUDGMENT AND SUPPLEMENTAL OBJECTION TO MOTIONS TO DISMISS (Corrected)

TO: ALL DEFENDANTS AND THE INTERESTED PARTY NAMED ABOVE:

YOU WILL PLEASE TAKE NOTICE THAT at the hearing to be held in the above matter on December 5, 2013 at the Aiken County Courthouse, or at such place as the Court shall announce, or at such time as she may be heard, the undersigned will further respond to the Motion to Dismiss of Defendants and move before the Court for an Order granting Plaintiff Summary Judgment as follows:

1. That all *ex parte* fiduciary appointments secured by Russell L. Bauknight prior to the remittitur in *Wilson v. Dallas* are void.

2. That the subsequent appointments of Bauknight are void for lack of jurisdiction; denial of Due Process; and exclusion by the June 13, 2013 Orders of Movant and all persons dedicated to saving The James Brown "I Feel Good" Private Foundation and having it run as required by *Wilson v. Dallas*.

3. Direct that to the extent his appointments are not void, Bauknight should be removed for breaches of fiduciary duty under S. C. Code Section 62-3-611 and restrained from further damaging the Estate and its rights under the Federal Copyright Act, based on his actions both during the pendency of the *Wilson v. Dallas* appeal and since May 8, 2013. Those actions have continued unabated for the nine months since the first *Wilson v. Dallas* decision of February 2013; increased after the May 8 decision; and now are being conducted by Bauknight in the Federal Court where he has been partially successful in attempts to secrete public documents which he has a duty to file and disseminate to all Interested Persons. His wrongful actions include:

a. Bauknight's secret 2012 payments of $563,000 to Wingate after the Buchanan settlement; in violation of the Wingate Contract; when Wingate was in default; and with knowledge that the suit was brought and continued by Bell, Levenson and counsel for Hynie to stop the *Wilson v.Dallas* appeal and secure $20+ million in legal fees for them from the "I Feel Good" Trust.

b. Bauknight's failure to seek restitution from Cannon, who owned a $1 million Carribean retirement home, then blaming his failure to act on the AG.

c. Bauknight's announcement without justification of his intention to re-do the McMaster, settlement – giving Hynie $11+ million, her attorneys $10+ million and Levenson $9 million.

d. Bauknight's failure, after reading Smith & Pope's article "Private Foundations, Copyright Heirs and Musical Millionaires: Why the James Brown "I Feel Good" Trust doesn't..." in 2011 to immediately secure – for as little as $10,000 per year for life each – Termination Rights cooperation from the available half of Brown's real heirs, including the following:

> Jeanette, La Rhonda, Nicole and Lisa (4) and, after successful DNA testing: Michael, James Curtis, Tonya & others (3+)

Cooperation of this one-half (½) of Brown's real heirs at this small cost, which the Estate/2000 Trust has had available at all times from 2011 – without the involvement or consent of any person who was challenging Brown's Estate Plan or the lawyers who authorized the Wingate Suit – would have secured the Estate/"I Feel Good" Trust's Termination Rights election process for twenty years or more. [SEE "splitting heirs" concept, which is the appropriate method to protect a charity's Copyrights. Smith, Pope]

e. Bauknight's cooperation with Levenson, Bell and Hynie's lawyers, allowing them to to usurp and secure for themselves and/or the Legacy Trust Termination Rights agreements with Lisa, LaRhonda, Michael, Nicole, Tonya, Daryl and/or Terry which should have been secured by the Estate/"I Feel Good" Trust.

f. Bauknight's failure to correct the incorrect Federal Estate Tax Return, including: marital deduction claim; and under $3 Million charitable deduction claim, where Brown's actual charitable deduction was about $80 million.

g. Bauknight's irreconcilable conflict represented by his alliance with Hynie; plan to pay her and her attorneys $25 million; and service today as her agent and agent for her son in the Wingate Suit.

h. Bauknight's 2 ½ year continuing fight to protect Hynie by interfering with release of public documents under FOIA and keeping in place a 5-year-old Gag Order.

i. Bauknight's secreting the less-than $4.7 million "appraisal" of Brown's music empire in direct violation of both S.C. Probate Code Section 62-3-707 and Section 62-3-708; sharing it with Hynie's son; and then representing to the Federal Court that he had not shown it to anyone.

j. Bauknight's refusal to void improper transfers from the Estate to and/or for the benefit of Hynie and other "settling parties" as is required by Section 62-3-710.

k. Bauknight's claiming, despite overwhelming evidence that it is incorrect, an intentionally wrong undervaluation of Brown's music empire to aid Terry & Forlando Brown and Hynie.

l Bauknight's claim to the Federal Court that the "appraisal" of Brown's music empire as of December 25, 2006 which he refuses to release, is based on private and proprietary information, when he has actual knowledge that all of the books records and files of James Brown, including attorney files and private documents, Royalty Reports, William Morris Reports, information about the Biopic and TIAA loan and other contracts, information about the Copyrights and the minimal impact of the Termination Provisions on value; the appraisals; the tax returns; all attorney files for a decade before Brown's death; and all other information and documents necessary to value Brown's assets as of his date-

of-death were public to any interested party from and after August 10, 2007 under this Court's Order, and through the open-administration procedure adopted and implemented by Buchanan and Pope from November 20, 2007 until May 26, 2009.

m. Bauknight's secreting, and wasting tens of thousands of dollars in legal time and expense to hide, the Wingate Litigation Retention agreement which shows:

A. The Wingate Suit was not brought by a single beneficiary of the Estate or 2000 Trust, but by three lawyers who wanted to derail the *Wilson v. Dallas* appeal and secure the $20+ million it would have given them.

B. On March 14, 2013 when AG Wilson told the S.C. Supreme Court that he saw no further need to proceed with the Wingate Suit, Bauknight had a duty under the contract to withdraw – but remained, and is currently stalling a hearing on the AG's motion.

C. Three attorneys wanting $20+ million – not James Brown's family -- authorized Wingate to intentionally interfere with the FOIA rights of Pope and others for 2 1/2 years – which FOIA interference is continuing today.

D. Three attorneys wanting $20+ million directed Wingate and Bauknight, for 3 years, to refuse to appoint a GAL for the minor beneficiaries of the 2000 Trust and reject all settlement offers made to help save their $285,000 Trust.

3. That the attempted Notice of Disallowance is void for lack of jurisdiction; Due Process; and because Bauknight cannot – without a Due Process hearing conducted in accordance with *Wilson v. Dallas* :

A. Undo payments owed Pope, with legal interest, under the January 8, 2008 Order, which was BOTH a liquidated debt allowed by the Estate/2000 Trust on May 26, 2009 *and approved by the Court*, and which constitutes an allowed claim under the S.C. Probate Code..

B. Undo the proper contracts made by the Estate/2000 Trust which, with four years of *pro bono publico* service of lead counsel James Richardson, Esquire, restored $50 million for the "I Feel Good" Trust through 7 days of hearings and 3 years of appeals for less than $200,000.

4. That the attempted Notice of Disallowance cannot:

A. Control or affect the right of Pope to recover from the 2000 Trust and from the shares of Terry/Forlando in the Estate and 2000 Trust all amounts due under her counterclaims and those of Robert Buchanan, Jr. for Fraud, Intentional Interference with Contract; civil conspiracy and abuse of process pending against Forlando Brown and the Estate/2000 Trust interest of Forlando and Terry Brown in Case No. 3:08-cv-00014-WOB-JGW filed by Forlando on January 2, 2008 (the "Forlando Federal Suit"), where:

1. Forlando, working with Bell with and for felon David Cannon and Albert Dallas, brought the frivolous Forlando Federal Suit in 2008.

2. The suit was based on a false Stipulation of Bell and Dallas filed in this Court in September 2007 and a fabricated second Schedule B prepared by Dallas and Cannon after Brown died.

3. Bell & Forlando knew the stipulation and Dallas Schedule B were false when they brought The Forlando Suit with Powell Goldstein ("PG"), but did so:

a. To paralyze the 2000 Trust until felon David Cannon and Dallas returned as trustees; the assets were sold; the Cannon Group got $15 million in commissions and options or a "kickback" from the purchaser; and Forlando got 39% of the purchase entity.

b. To destroy Buchanan and Pope, in the way of the deal, by the false claim that they ousted the Cannon Group to get the $5 million commission on Brown's $100 Million Estate.

4. Bell bolstered the fabricated suit with two false affidavits in 2009.

5. In January 2009 Bell, Bodman and Powell Goldstein ("PG") took both side of the McMaster settlement – representing Terry as part of
it and Forlando opposing it. They did so for four years, until May 2013.

6. It is now known that Forlando and Terry, through Bell and Wingate, are now both (Nov. 2013) trying to dismantle the "I Feel Good" Trust in the Wingate Suit.

7. From 2009 - 2013 Bell and Bodman told different stories to

different Courts for the same people, including:

A. Hynie is not Brown's spouse and knows it. Hynie is.
B. Buchanan and Pope are felons. Are not felons.
C. The Music Empire is worth $4.7 million. That is "bogus." Offers of $150 million are still available.

8. It is now known Bell was one of three contractors on the Wingate Suit. In *Wilson v. Dallas* he tried to dismantle Forlando's $285,000 education trust he told the Federal Court he was saving.

9. In January 2011 Bell's and Bodman's behavior became more egregious when Terry secretly transferred his ROFR and interest in the Estate to Forlando.

10. Bell, Bodman, Forlando, Terry & Bauknight concealed the transfer from State and Federal Courts until 2013.

11. In 2012 the Federal Court dismissed Forlando's frivolous claims at his request. Only the 2000 Trust's Buchanan's and Pope's Counterclaims for attorneys' fees remained – with additional counterclaims by Buchanan & Pope.

12. In 2012 Forlando told the Federal Court he had no assets and no expectation of receiving any from Brown's estate. In 2013 he told the Federal Court the truth – that he owned Terry's share.

13. Discovery in the Forlando Federal Suit was completed before the Federal Court Order revealed publicly that Bell was one of three parties to the Wingate Litigation Agreeement.

14. Summary Judgment motions are pending, and trial is expected in Trial is pending.

B. Control or affect the rights of Pope to collect attorneys' fees against the Estate, 2000 Trust and Bauknight for Bauknight's 2-year attempted intervention in two S.C. Freedom of Information Act ("FOIA") Suits.

C. Control or affect the right of Pope to recovery under her counterclaims in Richland County Case 2010-CP-40-4900 (the "Wingate Suit") where Buchanan and Pope were sued by the Estate and the 2000 Trust and any judgment against the Estate and/or 2000 Trust, under the Probate Code, constitutes an allowed claim, and:

1. The Estate/2000 Trust improperly sued Buchanan & Pope in the

Wingate Suit on May 19, 2010.

2. It is now known that the Wingate Suit was not authorized by any client; no Plaintiff even signed the contract with Wingate; and many Plaintiffs did not even know the Wingate Suit was being filed.

3. It is now known the Wingate Suit was brought, the contract signed, and the Wingate Suit is still being continued today by Louis Levenson, Esq. David Bell, Esq., and attorneys for Tommie Rae Hynie who brought it to stop the *Wilson v. Dallas* appeal and be paid from the "I Feel Good" Trust.:

Levenson	$9 Million
Bell	Refuses to disclose
Hynie	$11+ Million
Hynie's lawyers	$10+ Million

4. It has been known since March 14, 2013 that the State/AG did not authorize Wingate to sue on behalf of the State/AG or Bauknight to claim that he was acting "on behalf of Henry D. McMaster as Attorney General of South Carolina.

5. It is also known from AG Wilson's Petition for Rehearing and the Wingate Contract that – on the day before Wingate Lsuit was filed *somebody* made the false representation to AG McMaster that he would breach his fiduciary duty as AG if he did not sue Buchanan and Pope; that he has tried to drop the suit since May 2013; but Bauknight and Wingate have asked the Court not to hear his motion.

6. It is also now known that Bauknight concealed the Wingate Contract for three years to protect Bell, Levenson and Hynie's Lawyers who were driving the Wingate Suit.

7. Despite the lack of authorization, Wingate and Bauknight – for Bell, Levenson and Hynie – brought the Wingate Suit in the name of the State of South Carolina and wielded the power of the State/ AG for more than two years before breaking Buchanan financially.

8. It is now known that Bauknight, instead of removing the Estate/ 2000 Trust from any threat of counterclaims in 2012, elected to pay Wingate $563,000 not provided in the contract to continue his FOIA interference, protection of Hynie, and attempt to dismantle the *Wilson v Dallas* appeal.

9. From 2011 - 2013 Bell and other Wingate Suit principals falsely accused Buchanan and Pope of the federal felony of intentionally overstating Brown's music empire by $79 million to get a $5 million commission from a $5 million estate.

10. It was the same false claim Bell had lodged on January 2, 2008 But this time the claim was magnified by the false allegation that Brown's music empire was worth less than 1/15 of its real value..

11. As the *Wilson v.Dallas* decision shows, Forlando and Bell's 5 years of fabricated claims hit their mark.

12. After the May 8 decision, causing direct damage to the Estate/2000 Trust, Buaknight continued to fight FOIA compliance.

Since May 8, 2013 Bauknight has:

a. Asked the A G's office what the Peeple's DNA protocol is.

b. Refused testing under the Peeples DNA Protocol to Michael, James Curtis, the 3 European Heirs known to Dallas/Daryl.

c. Not required the Minor or Tonya to take DNA testing.

d. Failed to negotiate fair Termination Rights cooperation agreements for the "I Feel Good" Trust from the cheapest 5 or 6 Heirs who have withdrawn all challenges to Brown's 2 Estate Plans.

e. Stated in the Federal Suit that Pope is a liar; that the less-than $4.7 million value is correct; that he knows about copyrights; and that he intends to reinstate the McMaster Settlement.

f. Made clear his intention to take about $50 million from scholarships for needy students to acquire Termination Rights agreements he could secure for about $200,000 per year.

g. Claimed that he never showed the less than $4.7 milion appraisal to anyone - not even the AG , even though Bauknight and the AG used the number for 2 years to accuse Buchanan and Pope of a felony. And Hynle's son discussed the particulars of the Bauknight appraisal in his Petition for Rehearing filed March 14, 2013.

h. Failed to file the appraisal as required by law.

This motion and response is based on the Affidavit of Adele J. Pope filed September 20, 2013, filed in the Forlando Federal Suit, Entry No. 296-1, incorporated herein by reference, with portions attached as Exhibit A; all prior filings and affidavits of Adele Pope in this suit; and Cases 122, 1647 and 872, including the Reply of Adele Pope filed herewith; the Order of the Honorable Doyet A. Early, III allowing AG Wilson to withdraw from the Aiken Cases; the *ex parte* ethics opinion of Professor Nathan Crystal and related communication of counsel for Bauknight to Jg. Early on or about July 8, 2013; the appointment orders secured by Bauknight since May 8, 2013 without notice or hearing; the Supplemental Response to Motion/Memorandum of Deanna Brown Thomas dated November 18, 2013, with COS; the Answer of Robert L. Buchanan, Jr. and Adele J. Pope, dated July 8, 2008, S. C. Attorney General vs. Pope, Buchanan, Dallas and Bradley, civil Action No. 2008-CP-02-1153 dated July 8, 2008 – two days before the McMaster Settlement – with Exhibits A - I; and the following documents:

Exhibit B	Ltr. Pope to the Hon Alan Wilson & others dtd 4/1/2013
Exhibit C	Email Ltr. of Wm Brown to Adele Pope and response, dtd. 3/26/13 March 26, 2013
Exhibit D	Ltr. of Adele J. Pope to The Hon. Alan Wilson dtd. 6/26/13.
Exhibit E	Portion, Wingate Agreement for Legal Services, pp. 1, 2 3, Ex. A, p. 1, 2, 9, May 18, 2010 Ltr. of McMaster, and CONFIRMATION, APPROVAL AND ACKNOWLEDGMENT of Bell, Levenson and S. Alan Medlin.

This motion is also based on the S. C. Probate, the SCRCP and other applicable law, and such additional affidavits, documents and memoranda as shall come before

the Court prior to the hearing on this matter.

Respectfully sumbitted,

Adele J. Pope, *Pro se*
Plaintiff
1228 Walnut Street
Newberry, South Carolina, 29108
803/413-0753
SC Bar #4501

November 24, 2013

D:\Data\docs\JAMES BROWN\1337.MOTION.SUMMARY.JMT.2013.NOV.wpd

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert J. Buchanan, Jr., Individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	Civil Action No.: 3:08-cv-00014-WOB-JGW **Affidavit of Adele J. Pope Opposing *Pro Hac Vice* Admission of David B. Bell, Esq.**

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

1. I am over 21 years old.

2. This affidavit is based on my own knowledge and belief.

3. For the reasons stated herein, I believe that *pro hac vice* admission to this case should be denied to David B. Bell, Esquire.

4. I believe that the 2008 application is not current and does not fully inform the Court of the improper actions of Mr. Bell since January 2, 2008.

5. Since January 2, 2008 Mr. Bell has repeatedly attempted to destroy the reputations and careers of opposing counsel through improper means and has engaged in direct conflicts to his positions taken in this case.

b. Our appeal restored Forlando's $285,000 trust share.
c. Our appeal exposed that Ms. Hynie's claims were without merit.
d. Forlando has requested, and the court dismissed, all claims against us.

27. Throughout 2010 Mr. Bell represented both Terry and Forlando in these directly contrary positions.

Forlando/Terry/ Mr. Bell's Actions in 2011

28. On January 20, 2011 AG Wilson's office distributed confirmation that Terry's entire interest in James Brown's Estate has been given to Forlando by:

a. An amendment to the Legacy Trust (a/k/a "Settlement Entity"); [4]
b. Terry's Assignment to Forlando, including the ROFR .

29. Mr. Bell did not advise this or any other court of the Assignment or ROFR.

30. In April 2011 Mr. Smith and I circulated *Private Foundations, Copyright Heirs and Musical Millionaires: Why the James Brown "I Feel Good" Trust doesn't...* to professionals for comment..

31. *Private Foundations* describes how Terry/Ms. Hynie's false spousal claim; devaluation of the assets; and the ROFR would destroy the "I Feel Good" Trust.[5]

32. Forlando's position is consistent ours in *Private Foundations*, while Terry's is directly opposed.

---

[4] AG Wilson, through Sr. Assistant AG Jones, distributed the Amendment of the Legacy Trust and Assignment of Terry's interest to Forlando so that settling parties would have both together. [See Exhibit B.]

[5] DNA-proven daughters LaRhonda, Jeanette and Cinnamon (Nicole) – all excluded from the McMaster Settlement– have the same or higher "heirs" status under the Federal Copyright Act than those named in Brown's Will. The McMaster Settlement "stipulation" that Ms. Hynie and her son were heirs, when they were not, damaged the "I Feel Good" Foundation; all real heirs; and ultimately Forlando.

33. Forlando never opposed our brief in *Wilson v.Dallas*. Terry did.

34. In May 2011 Mr. Bauknight filed an Inventory ("I&A") in Aiken County claiming the at-death value of Brown's worldwide music empire was less than $4.7 million and his personal and household effects ('PHE") about $.5 million.

35. On May 6, 2011 Terry asked the S.C. Supreme Court to accept Bauknight's value as part of the *Wilson v. Dallas* record on appeal. ("ROA"). Forlando says the less-than $4.7 million value is "bogus."[6]

36. The opposite positions of Terry and Forlando taken by Mr. Bell as to value are material and dramatic. Their claims and our filings with the IRS, are:

	Terry/Bell/Bauknight	Forlando/Bell/Buchanan/Pope
Music Empire	$4.7 million	$84 million[7]
To "wife"	$1+ million	No claimed wife
Charitable Ded'n:	$ 2, 827,892	$83,369,981

[6] On July 7, 2011 the S.C. Supreme Court declined to supplement the ROA. But Mr. Bell – speaking for Forlando but using Terry's name – did what he intended to do with the outrageous less-than $5 million claimed value. As the opinion shows, our credibility with the Court and reputations were severely damaged by Mr. Bell's claims for Forlando (through Terry) that the less-than $4.7 value was correct, even though Forlando has said it was "bogus."

[7] Mr. Buchanan and I, and others, have valued Brown's Royalties to more than 800 songs and Publicity Rights at approximately the same value. See recent IRS claim that Michael Jackson's Publicity Rights exceeded 450 million at death. In September 2009 Mr. Bauknight/Terry argued to Jg. Early: THIS ESTATE SHOULD BE AND COULD BE TODAY... JUST LIKE THE ESTATE OF MICHAEL JACKSON IS MAKING A LOT OF MONEY TODAY... THIS STAY SHOULD BE LIFTED ...TO ENTER INTO VARIOUS BUSINESS VENTURES FOR THE ESTATE; FOR EXAMPLE, MARKETING JAMES BROWN'S MUSIC, MARKETING HIS IMAGE, HIS PERSONA, DEVELOPING VIDEO GAMES WITH JAMES BROWN AS THE CENTRAL CHARACTER, PRODUCING A DIGITAL REBIRTH OF JAMES BROWN JUST LIKE THE BEATLES ARE DOING TODAY... WE'VE HAD NUMEROUS OPPORTUNITIES ... ALL THESE THINGS ARE JUST SITTING THERE READY TO DO.

37. From 2011 until today Terry/Mr. Bell, without reviewing the Bauknight appraisal, have used Bauknight's less than $4.7 million value to assert the false claim that Mr. Buchanan and I committed the federal felony of intentionally overstating Brown's music empire the the IRS on the estate tax return by $79 million for the improper purpose of obtaining a $5 million commission. This is false.

38. In making the false claim, Mr. Bell ignores that he was present when we presented a proposal for valuation criteria for the IP on the estate tax return to Jg. Early on November 15, 2007 -- before we became Prs -- and he did not oppose it.

39. Since 2011 Terry has also sought to intervene in FOIA actions to prevent release of documents such as Ms. Hynie's public "diary" that support Forlando's claims.

40. At the end of 2011 Forlando terminated Mr. Bell and PG in this case.

Terry/Forlando/Mr. Bell's Actions in 2012

41. Throughout 2012 Mr. Bell spoke for Terry in State Court without revealing to the Court that Terry's interest in the Estate was owned by Forlando.

42. When Forlando told Judge Bertelsman he had no assets, Forlando actually owned: Terry's former interest in the Estate; his own in the 2000 Trust; and the ROFR to buy the music empire under the McMaster Settlement.

43. In August 2012 Terry blocked the deposition of Albert Dallas in the Wingate Suit when it became clear that Mr. Dallas would confirm Ms. Hynie was not Brown's spouse; knew it; and that he and Ms. Hynie discussed in Brown's presence that they were not married in the summer of 2006.

44. In 2012 Terry fought bitterly to keep in place 2008 Gag Orders which - unless void or expired – prevent discussion of the widely-known contents of Ms. Hynie's "diary." Forlando has openly violated the Gag Orders.

45. In the fall of 2012 Terry asked the court in the Wingate Suit to strike offers to 2000 Trust beneficiaries Lindsey, Janise, Jason, Sydney and Carrington which would have helped save the 2000 Trust which this suit was brought to protect.

46. In October 2012 Terry supported Wingate/Mr. Bauknight's failure for two years to appoint a GAL for the minors Wingate/Mr. Bauknight had made plaintiffs in the Wingate Suit, further damaging their $285,000 trusts.

47. In October 2012 Mr. Bell attended a mediation in the Wingate Suit as Terry's representative, but concealed that Terry's interest was owned by Forlando.

Actions of Mr. Bell, Terry and Forlando In 2013

48. On February 27, 2013 the first *Wilson v. Dallas* decision was issued.

49. In March 2013 I visited AG Wilson and explained to him the damage caused by the false "stipulation" that Ms. Hynie would be treated as Brown's wife, and by the less-than $4.7 claimed value, combined with the ROFR.

50. On March 2013 AG Wilson notified the Supreme Court that former AG McMaster did not want to sue Mr. Buchanan and me in 2010 in the Wingate Suit, but was advised (advisor still unknown) that he would breach his fiduciary duty as AG if he did not sue us. AG Wilson has filed a motion to be dropped as a party to the Wingate Suit.

51. On May 8 the second *Wilson v.Dallas* decision was issued. Terry immediately asked the court in the Wingate Suit to delay AG Wilson's motion, Ms. Hynie's deposition and the FOIA matters for what may be years.

52. On May 29 Ms. Hynie's counsel and Mr. Levenson announced their intention to reinstate the McMaster Settlement. Mr. Bauknight asserts it should be reinstated.

53. Mr. Bell refuses to disclose the agreements showing what he would be paid under the McMaster Settlement, even though a March 2010 order of Jg. Early finds his contract not to be confidential and directs it to be disclosed.

54. On August 20 Mr. Bauknight claimed for the first time that I know of Terry and Mr. Bell were not shown the "appraisal" which support Mr. Bell's false felony claims. [See my Ltr. to AG Wilson, Exhibit C]

Mr. Bell's Actions to Destroy the Federal Copyright Act Rights of the 2000 Trust

55. This case was commenced nearly six years ago by Mr. Bell to protect the 2000 Trust; its 7 $285,000 subtrusts for Forlando and other grandchildren; and the "I Feel Good" private foundation from Ms. Hynie and Forlando's own family.

56. Mr. Bell has worked since before January 31, 2009 to destroy the 2000 Trust.

57. It is undisputed that stipulating Ms. Hynie to be Brown's spouse when she is not will cause irreparable harm to the Estate/2000 Trust's ability to protect its copyright interests through fair-but-arm's length dealings with Brown's real heirs.

58. Mr. Bell's alliances with Ms. Hynle are directly adverse to Forlando's stated positions in this case.

Mr. Bell's Support of the False, Less-than $4.7 Million Value and Felony Claims

59. Mr. Bell, along with both Forlando and Terry, was present for two days of hearings in November 2008 where the approximately $84 million value of the music empire and the estate tax return were discussed in detail.

60. Mr. Bell did not raise any question about the $84 million value until 2011.

61. I am informed and believe Mr. Bell's current position as to value is directly adverse to more than four years of testimony and sworn statements of Forlando.

62. I am informed and believe that the false felony claims lodged against us by Mr. Bell were both malicious and reckless.

63. I am informed and believe that Mr. Bell's entry into this case will unjustly prolong our ability to undo the destruction caused to both the 2000 Trust and our reputations and careers which Forlando – by abandoning his frivolous complaint – began to repair in 2012.

FURTHER DEPONENT SAYETH NOT.

Adele J. Pope
ADELE J. POPE

SWORN TO before me this
19 th day of September, 2013

Nina Elizabeth Brooks Alexander (L.S.)
Notary Public for South Carolina
My Commission expires: 2/17/2015

D:\Data\docs\JAMES BROWN\FEDERAL CASE\AFFIDAVIT.AJP.OPPOSE.BELL.PRO.HAC.VICE.wpd

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

Exhibit B

April 1, 2013

The Honorable Alan Wilson
South Carolina Attorney General
John W. McIntosh, Esquire
Chief Deputy Attorney General
Robert D. Cook, Esquire
Assistant Deputy Attorney General
C. Havird Jones, Esquire
Senior Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Re: Hynie "Diary" Gag Order Appeal
Appellate Case No. 2012-212917

Dear Attorney General Wilson, John, Bob and Sonny:

Since the February 27, 2013 Decision has voided AG McMaster's "stipulation" that Tommie Rae Hynie was Brown's spouse, I ask that Attorney General Wilson either:

1. Move to withdraw from the Hynie "Diary" Gag Order Appeal; or

2. Join me in asking the Court to either Rule on the Appeal or Remand it to Judge Early for a Ruling.

As you may recall, I began trying to void the Gag Orders in March 2012, as part of Case 4900. The Order on appeal was issued as part of Aiken Case 122.

As you know from your own copy of the "diary" and Sonny's and Mary Frances' email communications with Buddy Dallas in 2008, it is important for witnesses to be ungagged as to the known contents of these documents.

A May 29, 2012 Affidavit of Case 4900 witness Albert Dallas says:

> Mr Wells called me, to the best of my recollection, around 1st of March, 2007...boxes and debris left in home of James Brown.
>
> The diary was copied and transcribed by David Cannon and his secretary, whose name I do not recall. As trustee, I felt that this was information that needed to be

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE PROBATE COURT

ADELE J. POPE,

Petitioner,

vs.

ESTATE OF JAMES BROWN, DECEASED; THE JAMES BROWN 2000 IRREVOCABLE TRUST; RUSSELL L. BAUKNIGHT AND OTHERS,

Respondents,

Case No. 2013-CP02-1337

ANSWER TO PETITION FOR ALLOWANCE OF CLAIM

1.17.14
Liz Godsey
I/C C.P.&G.S.
Anita Knoepke 12 20
Deputy Clerk

Respondent, Russell L. Bauknight, as Special Administrator and Personal Representative of the Estate of James Brown and as Special Trustee and Trustee of The James Brown 2000 Irrevocable Trust, answering the Petition for Allowance of Claim of Petitioner Adele J. Pope dated June 5, 2013, would respectfully show the Court as follows:

FOR A FIRST DEFENSE

1. Any allegations not specifically admitted herein are denied and strict proof demanded thereof.

2. As to the allegations and representations in the Petition, Respondent admits that Petitioner has filed a creditor's claim against the Responden..

3. As to the allegations and representations in the Complaint attached to the Petition, except as expressly specifically admitted herein, Respondent lacks sufficient information to either admit or deny the allegations and therefore denies all allegations and demands strict proof thereof.

FOR A SECOND AND AFFIRMATIVE DEFENSE
(Rule 12(b)(6))

4. All allegations hereinabove made are incorp ated where relevant.

5. The Petition fails to state facts sufficient to constitute a cause of action against any Respondent herein named other than Russell L. Bauknight, as special administrator or personal representative of the Estate of James Brown.

6. Accordingly, the Petition must be dismissed with respect to The James Brown 2000 Irrevocable Trust, Russell L. Bauknight, in any capacity other than as special administrator or personal representative of the Estate of James Brown, and the undisclosed "Others" to the extent they are included as respondents in the Petition.

WHEREFORE, having fully answered the Petition, Respondents would ask that the Court inquire into the matter, ascertain the reasonable amount, if any, of the claim due to be paid to the Petitioner; for costs and attorneys' fees incurred in ... defense of Petitioner's unfounded allegations; and for such other and further relief as this court may deem just and proper.

William G. Newsome III
SC Bar No. 63027
Nexsen Pruet, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
803.253.8268

Attorneys for Respondent Russell L. Bauknight, as Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust

January 15, 2014
Columbia, South Carolina,

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	) Case No. 2013-CP-02-1337
Adele J. Pope, Plaintiff, v.	)
Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort,* and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants.	) MOTION TO ALTER OR AMEND)AND/OR RECONSIDER AND VACATE) ORDER DATED JANUARY 7, 2014) DISMISSING CLAIMS UNDER) RULE 12(b)
AND:	
Robert L. Buchanan, Jr., Interested Party.	

FILED 1.27.14
C.C.P.&G.S. 8:40
Anita Knowles
Deputy Clerk

TO: THE DEFENDANTS & INTERESTED PARTY NAMED ABOVE AND COUNSEL.

YOU WILL PLEASE TAKE NOTICE that ten (10) days after service hereof, or as soon thereafter as she may be heard, the undersigned Adele J. Pope will move pursuant to Rules 52 and 59(e), SCRCP, and all applicable South Carolina Rules of Civil Procedure, for an order vacating altering or amending the Order of the Honorable Doyet A. Early, III ("Jg. Early") dated January 7 and filed January 17, 2014, a copy of which is attached hereto as Exhibit A (the "Dismissal Order").

Plaintiff received notice of the entry of the Order on January 17, 2014.

I. NO DIMISSAL TO ANY DEFENDANT ON ANY CLAIM APPROPRIATE

1. The Court overlooked or misapprehended that, because no hearing was set as required by Sections 62-3-607(b) and 62-3-611 of the South Carol[illegible] Probate Code ("SCPC") when the

complaint was filed, and the Court took judicial notice of certain matters outside the complaint, the Court should also consider all State/Court action and action by Bauknight under claimed color of State authority prior to the issuance of Dismissal Order and find that the Complaint alone, or the complaint, as well as the complaint with the additional matters sets out fully all causes of action, and no dismissal or summary judgment as to any Defendant is appropriate.

2. The Court overlooked or misapprehended that on February 27, 2013 the first decision in *Wilson v. Dallas* was issued, and contained the following footnote:

> 29 Although Brown's music rights have been widely reported as being worth up to $100 million or more at death, Bauknight filed documents with the Internal Revenue Service indicating the value of Brown's music empire was only a net of $4.7 million. The $4.7 million valuation has been questioned based on the fact that it came at a time when one of Brown's sons, Terry Brown, had joined the compromise upon being given a first right of refusal to purchase the estate assets.
>
> Further, the AG, with Bauknight's knowledge and cooperation, allegedly entered into contingency-fee agreements with outside counsel, Kenneth Wingate to sue Appellant Pope on behalf of the State, Bauknight and others while representing private plaintiffs in the suit. The suit sought damages to Brown's estate allegedly arising during Pope's appointment. Despite FOIA requests, the AG has refused to publicly release all of the documents pertaining to this purported arrangement. <u>These matters should be considered by the circuit court in the first instance and any fees found to be inappropriately incurred should be disgorged and returned to the trust in light of our finding that the compromise is void and the AG has exceeded his authority by, among other things, effectively controlling the charitable trust through the appointment of Bauknight, who serves at the AG's pleasure.</u> [Emphasis supplied]

3. The Court overlooked or misapprehended that in January 2011, two years before the

first *Wilson v. Dallas* decision, the Legacy Trust1 had been amended and Terry had secretly transferred his interest in the estate and right of first refusal to purchase Brown's music empire (the"ROFR") to Forlando.

4. The Court overlooked or misapprehended that the complaint correctly states that Forlando is a 39% owner of TJBL, LLC ("TJBL") an entity formed December 5, 2007 which made three offers to buy the music empire in 2007 and 2008 for $90 - $100 million; that Forlando, son Daryl, all former fiduciaries, expert R.B. Alexander and others have confirmed that the approximately $83 million value of Brown's music empire assigned by Robert Buchanan, Jr. ("Buchanan") and Plaintiff on the estate tax return is correct and may be conservative.

5. The Court overlooked or misapprehended that Forlando confirmed under oath the week Buchanan and Plaintiff filed the estate tax return in September 2008 that offers of $150 million were still available for the music empire, and in 2013 classified the $4.7 million value assigned by Bauknight as "bogus."

6. The Court overlooked or misapprehended that the complaint shows that despite their extreme differences in the valuation of Brown's music empire, Bauknight, Terry, Forlando and Bell, worked together to conceal the Legacy Trust amendment and transfer to Forlando from State and Federal Courts for more than two years while Bell/Forlando opposed the 2008

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[1] The Legacy Trust's 2011 amendments were prepared by Bauknight's attorneys and signed by AG McMaster, Terry Brown ("Terry"), Louis Levenson, Esq. ("Levenson") and David Bell, Esq. ("Bell"). They were distributed with the Assignment to Forlando by AG Wilson's office to settling parties that month.

settlement in Federal Court and Bell/Terry supported the settlement and joined in Bauknight's $4.7 million claimed value in filings with the Supreme Court.

7. The Court overlooked or misapprehended that in 2011 Bauknight, Bell and Forlando began and continued their secret dealing for two years while the 2000 Trust had a pending claim for attorneys' fees and offset against Forlando for his 4-year frivolous 2008 suit to enjoin the 2000 Trust from taking any action until David Cannon and his co-trustees were reinstated.

8. The Court overlooked or misapprehended that the complaint demonstrates that Bauknight's concealing his dealings with Bell, Terry and Forlando aided Forlando in his 2012 fraud on the federal court in the Forlando Federal Suit where he represented to the Federal Judge that he had no assets oro expectation of assets from the James Brown estate unless Terry died.

9. The Court overlooked or misapprehended that at the time of the first *Wilson v. Dallas* decision, the filing of the complaint in this action, and today, January 24, 2014, Bauknight serves as agent/co-Plaintiff and/or Intervener for Terry, Tommie Rae Hynie ("Tommie Rae"), and her son James B. in three FOIA suits in which Bauknight is trying to prevent the FOIA compliance which the Supreme Court's Footnote 29 addre d.

10. The Court overlooked or misapprehended that the Complaint shows that public documents which should have been released under FOIA which Bauknight has attempted since 2011 to secrete – and is still trying to secrete by FOIA interference – include:

a. The claimed $4.7 million "appraisal" referenced by the Supreme Court on which Bauknight has for 3 years based the false felony claim against Buchanan and Plaintiff that they intentionally overstated Brown's music empire by $79 million to the IRS on the estate tax return for the improper purpose of obtaining a $5 million commission.

b. The Wingate Litigation Retention Agreement and authorization under which Wingate claimed authority to sue Buchanan and Plaintiff on behalf of the State/AG and Bauknight claims authority to speak "on behalf of" the State/AG while both also represent Tommie Rae, James B. and others challenging the "I Feel Good" Trust.

c. The State/AG's copy of the widely-disseminated handwritten notes of Tommie Rae known as the Hynie "diary," and the State/AG's copy of the typed transcript;

d. A copy of the James Brown Legacy Trust (the "Legacy Trust"), with amendments, which sued Buchanan and Plaintiff on May 19, 2010 for tens of millions of dollars in Richland County Case 2010-CP-40-4900 (the "Wingate Suit"), and which amendments are material to the Forlando Federal Suit..

11. The Court overlooked or misapprehended that on February 28, 2013 Plaintiff requested a meeting with Attorney General Alan Wilson ("AG Wilson") to discuss her concerns for the "I Feel Good" Trust about the damage Bauknight and a State official had caused by the claimed $4.7 million value; the false felony claim being lodged against Buchanan and Plaintiff based on the false claimed value; the need to correct the estate tax return to show the correct value of Brown's assets; delete Bauknight's claim that Tommie Rae was Brown's spouse; and show Brown gave his "I Feel Good" Trust for needy students about $80 million – not the less than $1 million Bauknight claims2.

12. The Court overlooked or misapprehended that AG Wilson granted a meeting with Plaintiff on March 6, 2013, and that Plaintiff and her counsel in Wingate Suit subsequently met with AG Wilson's staff to discuss the above and additional concerns.

13. The Court overlooked or misapprehended that among the concerns was the purported

---

[2] Bauknight took an approximately $3 million charitable deduction, but $2 million of that was to be taken out of the AG's new charity for grandchildren.

Buchanan/Wingate Suit "settlement" which appeared at the time to have been reached by the State/AG and Buchanan in 2012, when Buchanan was in financial jeopardy; in which Bauknight used $500,000 of estate funds to obtain releases for Tommie Rae, himself, James B. and other Will/Trust contestants from Buchanan's Wingate Suit counterclaims and the AG appeared -- without notifying the S.C. Supreme Court – to have forced Buchanan to take steps that would leave Buchanan unable to protect himself or the "I Feel Good" Trust by seeking reconsideration of the *Wilson v. Dallas* decision when rendered.

14. The Court overlooked or misapprehended that it has since become known that both Wingate and Bauknight lacked the claimed legal authority to sue in the name of the State/AG or settle the Wingate Suit on behalf of the State/AG, and that the settlement should thus be declared void.

15. The Court overlooked or misapprehended that the complaint properly states a cause of action for this Court to void the Buchanan/Wingate "settlement," and this Court has jurisdiction to do so, but Bauknight's actions taken in Richland County compel this Court to hold that and other rulings in abeyance pending the Wingate Suit decision.

16. The Court overlooked or misapprehended that this jurisdictional dilema was caused by Bauknight's false, but successful, representation to the Richland County Court in the Wingate Suit that all matters in Aiken County were concluded; that the situs of the James Brown 2000 Trust has been in Richland County since May 19, 2009; and that a change of venue to Aiken County would be improper.

17. The Court overlooked or misapprehended that Plaintiff, in addition to Bauknight's

$4.7 million value problem, discussed with AG Wilson and his staff the damage caused to the "I Feel Good" Trust by Bauknight's fight to show Tommie Rae was Brown's spouse when the evidence and law were overwhelming that she was not; Bauknight's claim that not-presumed heir James B., the only claimed child born in the 22 years after Brown's vasectomy, was a son; and Bauknight refusal to secure for the Estate/"I Feel Good" Trust Brown's royalties to more than 800 published and unpublished songs (the "Royalties") for decades by modest termination rights agreements with 5 or so of Brown's *real* heirs, from among:(1) daughter Lisa from Brown's 1st marriage; DNA-proven and acknowledged daughters (2) La Rhonda,(3) Jeanette and (4) Nicole; son (5) Michael Deon ("Michael"), incarcerated in California and seeking DNA testing since 2007 under the State's official DNA testing "Peeples DNA Protocol"; (6) claimed son James Curtis, also seeking DNA testing; and sons (7) Daryl and (8) Terry, both of whom had publicly repudiated the 2008 McMaster settlement and asked AG Wilson to enforce Brown's "I Feel Good" Trust.

18. The Court overlooked or misapprehended that while AG Wilson did not acquiesce in Plaintiff's request that Buchanan and Plaintiff be reinstated for long enough for Buchanan to resign with dignity; Ronald Stanley, Esq. and former Warner Music executive Ray Gonzalez, Esq. – their nominated successors – to be appointed additional PR/Trustees; and Plaintiff to resign as soon as the Tommie Rae claims and challenges to the estate plan were concluded, he did call Plaintiff personally to advise her he was going to drop out of the Wingate Suit.

19. The Court overlooked or misapprehended that the complaint alleges, and AG Wilson never denied, that the *Wilson v. Dallas* decision did not deprive Plaintiff, Buchanan,

James Bailey, James Richardson, Esquire, Tressa Hayes or others who have sought to enforce the "I Feel Good" Trust of their Due Process, Equal Protection and First Amendment rights; their rights under the South Carolina Probate Code ("SCPC"); their rights under the South Carolina Trust Code ("SCTC"); or the rights of attorneys to practice law in any court where permitted, including but not limited to the following rights:

a. The right of James Richardson, Esq., to continue, should he elect, the *pro bono publico* service he performed in the *Wilson v. Dallas* appeal in any related matter, and/or to represent any fiduciary, creditor, heir, devisee, beneficiary or other person in any James Brown matter not disloyal to the Will and 2000 Trust of James Brown which he worked for years *pro bono publico* to protect.

b. The right of James Bailey, Esq., to represent anyone and/or be part of any James Brown case as described above for James Richardson, and to be a witness and/or expert in any matters; and to be paid the approximately $80,000 he was owed in September 2009 when the Court confirmed the termination of his service, which, with interest, is now approximately $110,000 because it was due under a valid contract with the Estate/2000 Trust; was liquidated at the time; and Bauknight refused to pay Bailey while paying more than $560,000 to Wingate and large amounts to others with lower or equal priority.

c. The right of Tressa T. H. Hayes to have all of the rights described for Bailey and Richardson, with the right to be paid the approximately $80,000 Bauknight intentionally withheld from her for her efficient appellate work for the Estate/2000 Trust which included: assisting in the 7-day hearing on the 2008 settlement; preparing the Cannon brief and arguing the Cannon appeal; preparing the Dallas/Bradley brief which was adopted by Bauknight when he took over the Dallas/Bradley appeal; and assisting James Richardson, Esq. for three years on the *Wilson v.Dallas* appeal.

d. The right of Robert Buchanan, Jr. to have all of the rights described above, including fair payment for his work; to void the Wingate Settlement; to testify as a former titleholder about the value of Brown's assets to the extent permitted by rules of evidence; to testify as a fact witness and/or expert; to offer for probate the backup 1999 Will; to defend himself and counterclaim in

the Forlando Federal Suit and the Wingate Suit, and any other suit. and to take any other action in relation to the James Brown matters other than apply to be PR/Trustee himself, including the right to nominate Ronald Stanley, Esq., & Ray Gonzalez – which he and Plaintiff did in a document filed in the Probate Court prior to May 26, 2009; and to seek to be designated as an "Other" or Special Status Party under SCTC § 62-7-405 to help enforce the "I Feel Good" Trust; and to seek offset against the Estate/2000 Trust interest of Forlando and others in the Forlando Suit or any other suit brought against him.

e. The right of Plaintiff to enjoy all of the rights described above for Richardson, Bailey, Hayes and Buchanan, including the right to volunteer her time and expertise *pro bono publico*, as she has done since May 8, 2013, as an attorney, GAL, witness, expert witness, assistant or otherwise to the AG and/ or to heirs, devisees and/or fiduciaries seeking to enforce the "I Feel Good" Trust and to serve as an Special Status Party to help enforce the "I Feel Good" Trust. and the right to serve as an expert witness in the Forlando Suit, the Wingate Suit and any other James Brown suit, as she did without objection in *Wilson v. Dallas*, and based on her expertise in Probate and Trust law, and in in the interplay of State Probate Law and Termination Rights under the Federal Copyright Act ("FCA"). .

20. The Court overlooked or misapprehended that Plaintiff and Wm. Jeffrey Smith, as demonstrated by their draft 2011 article *Private Foundations, Copyright Heirs and Musical Millionaires: Why the James Brown "I Feel Good" Trust doesn't...* , were among the first in the State to acquire an expertise in the emerging need for private foundations and other charities to take early steps in the probate process to manage and control their royalties and other copyrights for the longest time for the benefit of the charity.

21. The Court overlooked or misapprehended that on March 4, 2013 Bauknight and Wingate moved to prevent the scheduled deposition of Deanna Thomas, for whom Bauknight continues to serve as agent, in the Wingate Suit.

22. The Court overlooked or misapprehended that on March 14, 2013 AG Wilson filed a Petition for Rehearing which confirmed that Tommie Rae and the settling parties "strongly believed that James Brown truly desired needy children to have scholarships."[p.16]; but contained incorrect information about the FCA and Termination Rights which was reflective of the incorrect representations made to him by Bauknight and Tommie Rae.

23. The Court overlooked or misapprehended that AG Wilson asserted that in May 2010 he was advised that "it would be a breach of the Attorney General's own fiduciary duty in protecting charitable trusts if an action was not brought on behalf of the charity." [p.23,24. Emphasis supplied.] . He further stated that [t]he Attorney General's intent not to bring the action on behalf of the Attorney General's Office is fully demonstrated clearly..."

24. The Court overlooked or misapprehended that the Attorney General said:

> In this instance, the [AG] was particularly hesitant to sue because Appellants Pope and Buchanan enjoy a superb reputation throughout the legal community. Appellant Buchanan serves as a part-time federal magistrate judge and is a long time member of the South Carolina Bar. ... Appellant Pope has, for more than thirty years in South Carolina, been an outstanding attorney in the field of trust and estate matters. She is considered by the legal community to be an exceptional attorney. [p.25]

24. The Court overlooked or misapprehended that as for the documents in the three FOIA suits where Bauknight is still preventing release of public documents, AG Wilson told the Supreme Court, in part:

> The [AG] is a strong believer in FOIA.. In this instance, we have released everything in our possession which we legally can release.

> One document is subject to a Motion for a Protective Order, pending before Judge Manning. We certainly have no objection to the release of the document and have so advised the Court that we stand ready And willing to turn that document over once the Court rules. We hope to have resolution of this issue in the near future. [p.25, Emph. Supp.]

25. The Court overlooked or misapprehended that the complaint and facts of which the Court has judicial notice show that the impediment to the release under FOIA of the above public documents, requested under FOIA 2 ½ years ago, is the interference in FOIA suits by Bauknight as agent for Tommie Rae, James B., Levenson and Terry/Bell/Forlando and Wingate/Bauknight still claiming to act under color of State authority in theWingate Case.

26. The Court overlooked or misapprehended that the AG made the following incorrect statements about the FCA's Termination Rights provisions, reflecting misleading information provided to the State/AG by Bauknight as agent for Tommie Rae and/or Tommie Rae herself:

> It was our position that these rights being made part of the Trust was a huge gain for the Trust...[Mr. Jc ~s: "The renewal and termination rights being included within the settlement was a major factor for us and what we consider[ed] a bonus...]

27. The Court overlooked or misapprehended that James B., whom Brown's trustee Dallas has confirmed that in addition to the vasectomy Brown was unable to father based on other physical impediments, filed a Petition for Rehearing and Reply which outlined and purported to justify in great detail the $4.7 million appraisal Bauknight has since told the Federal Court he did not show to anyone, including the AG.

28. The Court overlooked or misapprehended that James B's support of Bauknight, who

serves as James B's agent in the Wingate Suit and three FOIA suits without a GAL, is to be expected since both are currently seeking default from the counterclaims in the Wingate Suit; neither wants the $4.7 million appraisal released under FOIA; neither wanted the Wingate Litigation Agreement released; and Bauknight has for more than 4 years violated the right of Brown's real heirs seeking verification under the Peeples DNA Protocol while sheltering non-presumed child and likely-non-child James B. from the already-paid-for $300 test.

29. The Court overlooked that on March 18, 2013 Bauknight, as Trustee for the Legacy Trust, filed the "James Brown Legacy Trust's Supplemental Memorandum in Support of Motion to Dismiss in FOIA #1, claiming, among other things, that the Legacy Trust, under the February 27 *Wilson v. Dallas* decision, does not exist. Bauknight, however, continues nearly a year later to be suing in the name of the Legacy Trust, and seeking relief of the Legacy Trust from default as to the Wingate Suit counterclaims.

30. The Court overlooked or misapprehended that on March 25, 2013 Levenson filed a Reply to Plaintiffs Petition for Rehearing in which he claimed to speak for Daryl Brown, Janise Brown and Lindsey Brown, although the three had terminated him; repudiated the 2008 McMaster settlement; and asked the State/AG to honor James Brown's wishes by reinstating his Will and 2000 Trust.

31. The Court overlooked or misapprehended that Levenson asked the Court to disregard Pope's assertion that she had consulted with the AG and that he intended to withdraw from the Wingate Suit, but concealed , even though he had actual knowledge, that:

A. The State/AG never legally authorized Wingate to name

the State/AG as a Plaintiff in the Wingate Suit, and never authorized Bauknight's claim in the Wingate Suit that he is acting on behalf of the State/AG.

B. Bauknight had vigorously fought FOIA release of the Wingate Contract for 2 years because it would show that the 40% contingency fee contract we never signed by the State/AG and not signed by most of the 12+ Wingate Suit plaintiffs, but by Levenson, Bell, counsel for Tommie Rae and Bauknight.

C. When Daryl and daughter first tried to repudiate the settlement, he and Bauknight had – without consulting the Court – visited the home of Daryl's daughters to try to convince Daryl that the settlement which dismantled his daughters' $285,000 education trusts was good for them.

32. The Court overlooked or misapprehended that Levenson claimed –including for people he no longer represented – that "[t]he revelation that the Attorney General intends to realign the caption or withdraw from [the Wingate Suit] is not germane to this Court's consideration... Irrespective of the Attorney General's apparently evolving stance on these matters, Repsondents have no intention of dismissing their claim against Pope in the separate 4900 suit."

33. The Court overlooked or misapprehended that Levenson had actual knowledge that the State/AG was named as a Wingate Suit Plaintiff without proper authorization; that Buchanan and Pope had acted jointly in ever respect complained of in the Wingate Suit complaint; that Buchanan had not paid a dime to a single Wingate Suit Plaintiff; and that $500,000 had been paid to Buchanan from the estate to secure release of Buchanan's counterclaims against Tommie Rae, Levenson's clients and Bauknight in the Wingate Suit.

34. The Court overlooked or misapprehended that Levenson, quoting the false Wingate

Complaint, repeated the false, career-threatening felony claim he had made against Buchanan and Pope until 2012, now lodged solely against Pope, which many clients had repudiated:

> 6. Pope artificially inflated the value of the Estate in an attempt to substantiate her petition for a $5 million fee for her services as Personal Representative and Trustee (4900 suit at ¶ 18(u).

35. The Court overlooked or misapprehended that Buchanan, constrained by an illegal agreement in which Wingate and Bauknight made false claims that they could contract for the State/AG, was prevented from protecting himself and Plaintiff by preparing a petition..

36. The Court overlooked or misapprehended that a majority of Brown's real heirs made no filings in *Wilson v. Dallas* because they were shut out by the State/AG, including:

> 1. Daughter Lisa from Brown's first marriage, never made a party to *Wilson v. Dallas*;
>
> 2. DNA-proven and acknowledged daughters La Rhonda, Jeanette and Nicole, who, while not parties to *Wilson v. Dallas*, were induced by the State/AG in January 2009 to withdraw other filings on the promise that the State/AG and "settling parties" would take no action to damage their status as heirs under the FCA or other federal law;
>
> 3. Son Michael, son of Brown as shown on his birth certificate; supported during minority by Brown under court orders; and awaiting DNA testing under the Estate's official Peeples DNA Protocol since requested in 2007. Michael was not named as a party or served in *Wilson v. Dallas*; and
>
> 4. James Curtis, a DOE Defendant under the 2007 Levenson Suit seeking an "administration in intestacy." Case 2008-CP-02-0872 (the "Levenson Suit"), in which no GAL was appointed because the Levenson Suit was suspended on August 12, 2008 when the AG announced the 2008 settlement.

36. The Court overlooked or misapprehended that Plaintiff filed a petition for rehearing asking for Buchanan and Plaintiff to be reinstated but, if not, that neutral fiduciaries as indicated in the February 27decision not be appointed, but rather three who would vigorously defend the "I Feel Good" Trust as directed in Brown's Estate Plan.

37. The Court overlooked or misapprehended that the exclusion of about 7 of Brown's approximately 12 claimed heirs under both State law and the FCA from the 2008 settlement and *Wilson v. Dallas* was critical because Bauknight had told the S.C. Supreme Court that FCA Termination Rights is "all this case is about," but had failed, for $100,000 per year or less, to secure the Estate/"I Feel Good" Trust's royalties to more than 800 songs (the "Royalties") for decades by modest agreements with any 5 or so of these excluded heirs. Instead, Bauknight had tried to convince multiple courts that Tommie Rae was Brown's spouse, when she was not; James B., who refused DNA testing, was a son; and the 2 controlled Termination Rights and should be given nearly ¼ of the "I Feel Good" Trust for them.

38. The Court overlooked or misapprehended that on May 8 the final *Wilson v. Dallas* decision was issued and included:

a. A declaration that Bauknight's fiduciary appointment was void.
b. The same strong statements about the weakness of the claims of Tommie Rae and the Will/Trust contest.
c. A remand for the appointment of fiduciaries in accordance with James Brown's documents, namely 3 PR/Trustees who would vigorously defend against any challenge to the estate plan as "an affront to my wishes."
d. A declaration that the 2008 settlement was void.

39. The Court overlooked or misapprehended that between May 9 and 12, 2013, Bauknight obtained both from the Honorable Doyet A. Early, III ("Jg. Early" or the "Circuit Judge") and

the Honorable Sue H. Roe ("Jg. Roe or the "Probate Judge") void, pre-remittitur, broad *ex parte* orders appointing him as special administrator and special trustee ("SA/ST").

40. The Court overlooked or misapprehended that before May 10, 2013, while claiming to be the attorney for both the State/AG and Tommie Rae, along with the 2000 Trust, the Estate and Bauknight "on behalf of" the State/AG, the Wingate firm asked the Honorable L. Casey Manning ("Jg. Manning") to stay all of the following Richland County cases until all matters were concluded in Aiken County – possibly years later:

> a. FOIA # 1 - Where Plaintiff has since August 3, 2011 been seeking the AG's copy of any amendments to the Legacy Trust/Settlement Entity which sued her on May 19, 2010 in the Wingate Suit and the AG's copy of the less-than $4.7 million Aappraisal of Brown's music empire which was the basis of a false felony claim lodged against Buchanan and Pope by AG Wilson's office, the Estate, the 2000 Trust, and Bauknight, claiming to be agent for the AG and others.
> [Bauknight, for the Estate/2000 Trust, Tommie Rae, James B. and others, had been attempting to intervene in FOIA # 1 since 2011, and is still attempting to intervene on their behalf to stop FOIA compliance.].
>
> b. FOIA #2 - Where Plaintiff has been seeking since August 10, 2011 a copy of the public Wingate Litigation Retention Agreement by which private attorney Wingate sued Buchanan and Pope naming the State/AG as Plaintiff and Bauknight as agent for the State/AG.
> [Bauknight, for the Estate/2000 Trust, Tommie Rae and others, had been trying to intervene in FOIA #2 to prevent release of the Wingate Agreement since 2011, and obtain sanctions against Plaintiff for exercising her FOIA rights.]
>
> c. The Wingate Suit - Brought against Buchanan and Pope on May 19, 2010 seeking tens of millions of dollars against Buchanan and Pope for alleged breaches of trust and fiduciary duty. Allegations of wrongdoing included:
>
> A. Conducting the *Wilson v. Dallas* appeal;
>
> B. Not accepting a 2007 $100 million offer to sell the music empire;

C. Claimed improper valuation of Brown's assets threatening millions of dollars damages in taxes.

D. Claimed impropriety in relation to the Christie's sale which was approved by 3 court orders and the State/AG.

[According to grandson Forlando, the family – feuding over other matters – got together to disrupt the Christie's sale, even though it was reducing the value of what Brown devised them. They also had funds available to buy items of importance at the Christie's sale but, according to Forlando, were instructed not to buy items they wanted. Counsel Levenson attended the sale. Terry/Forlando's counsel David Bell, Esq.,("Bell") and Powell Goldstein ("PG") did not. Former trustee Albert Dallas also asked the S.C. Court of Appeals to stop the Christie's sale 9 days before it took place. The State/AG and Christie's received approval to proceed with the sale on July 14, 2008. It took place on July 17. The State/AG's August 10, 2008 settlement, announced August 12, suspended filed motions to charge Dallas with the Estate/2000 Trust's cost of his interference with the Christie's sale, which is still pending in Aiken County.]

41. The Court overlooked or misapprehended that Wingate made this request purporting to represent all of the following Plaintiffs in the Wingate Suit:

A. AG Wilson, who had told the Supreme Court he wished to be dropped from the Wingate Suit and had filed a Motion to be dropped;

B.Bauknight, who still claims to be a Wingate Suit Plaintiff on behalf of the State/AG;

C. The Estate of James Brown/2000 Trust;

D Bauknight as agent for Tommie Rae and acting for minor James B., after refusal to appoint a GAL;

E. Bauknight as claimed agent for Daryl Brown and his daughters Janise and Lindsey.

F. Bauknight as agent for daughters Deanna and Yamma & others

G. Bauknight as agent for Terry Brown, whose interest in the Estate and 2008 settlement was secretly transferred to son Forlando in January 2011, but concealed from Jg. Manning and the federal court in Case No.

3:08-cv-00014-WOB-SGW (the "Forlando Federal Suit").

42. The Court overlooked or misapprehended that Bauknight claimed to represent all of the above when the complaint was filed in this case on June 10, and continues to do so.

43. The Court overlooked or misapprehended that since May 8, 2013 Plaintiff has worked *pro bono publico* to encourage AG Wilson to take a lead in preventing a second dismemberment of the "I Feel Good" Foundation by Levenson, Tommie Rae and Bell; that her efforts to involve the AG in undoing the damage the State/AG caused has, to date [January 2014] proved unsuccessful.

44. The Court overlooked or misapprehended that on May 10 Wingate – who had been terminated by the State/AG before the above request, asked to be relieved as counsel to the State/AG even though he was in default as to the 2010 counterclaims against the State/AG for abuse of process for trying to stop the *Wilson v. Dallas* appeal, and as to other counterclaims.

45. The Court overlooked or misapprehended that Jg. Early notified certain people – excluding the majority of heirs listed above – by email that he would hold a status conference on May 29, 2013. Jg. Early said no testimony would be taken and that anyone with suggestions about the handling of the *Wilson v. Dallas* remand must do so in formal motions filed by May 25, 2013.

46. The Court overlooked or misapprehended that on May 22, 2013 Bauknight signed and had notarized a defective accounting which – if filed – would have revealed before May 29 that he had paid $563,000 from the Estate to the firm of Kenneth Wingate, Esq., in November & December of 2012 in addition to the 40% contingency fee agreement and despite the fact that

Wingate was seeking relief from default after failing to timely respond to the Buchanan/Pope counterclaims in the Wingate Suit.

47. The Court overlooked or misapprehended that the $563,000 Wingate payment was not disclosed to AG Wilson, Jg.Early, Jg. Roe or any other court until October 8, 2013, and that Bauknight takes the position that it is not subject to review under the *Wilson v. Dallas* remand even though the Wingate Suit was brought to try to stop the *Wilson v. Dallas* appeal.

48. The Court overlooked or misapprehended that the concealed May 22, 2013 accounting also failed to list Bauknight's claimed value at the beginning of 2012 and end of 2012, in violation of the South Carolina Probate Code ("SCPC").

49. The Court overlooked or misapprehended that by May 25, 2013 Plaintiff was the only person to file timely motions suggesting a fair procedure for handling the *Wilson v. Dallas* remand in the more-than-10 James Brown cases in Aiken County, as well as the Forlando Federal Suit, the Wingate Suit and the FOIA cases.

50. The Court overlooked or misapprehended that Plaintiff did so by the filing of three proper motions which have not been heard and which Jg. [illegible]ly, on June 13, without notice or hearing, directed the clerk of Court to remove from the public records.

51. The Court overlooked or misapprehended that there is no transcript of the May 29, 2013 status conference, but:

1. AG Wilson announced his intention to withdraw from the Aiken cases;

2. Levenson and counsel for Tommie Rae asked Jg. Early to retire to chambers to hear why the 2008 settlement voided by the *Wilson v. Dallas* decision should be reinstated. [He declined.]

52. The Court overlooked or misapprehended that Bell continued his and Forlando's 5-year pattern of deception of the State and Federal Courts by announcing that his client Terry Brown was satisfied and happy with the *Wilson v. Dallas* decision, but concealing from the Court (as he had from the S.C. Supreme Court) that Terry had secretly transferred his interest to Forlando in January 2011; that Forlando had, through Bell, openly opposed the settlement for 4 years while Terry, through Bell, asked the Supreme Court to approve it.

53. The Court overlooked or misapprehended that after the status conference Levenson clients Deanna and Yamma vowed to fight for 10 years if necessary to dismantle Brown's "I Feel Good" Foundation, despite the fact that they, Tommie Rae and all other contestants had confirmed in the Wingate Suit in 2010 that all had spoke with Brown about his estate plan in the 3 years before his death and that:

> ... 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. [Me. Opp., p.2, 8/27/10[

54. The Court overlooked or misapprehended that on May 29 Bauknight delivered a wholly-unnecessary Notice of Disallowance with Notice of Impending Bar (the "Disallowance") which forced her to file suit within 30 days so that her allowed and court-approved claims; claims pending in other courts; and proper payments to herself, James Bailey, Esq., Tressa T.H. Hayes, Esq. and Buchanan would not be placed in jeopardy, and that the complaint and Disallowance show that it was unnecessary, slanderous, malicious, and that Bauknight lacked authority to issue it..

55. The Court overlooked or misapprehended that Bauknight knew that the claims had been allowed; that he could not disallow and this Court had no jurisdiction over, the counterclaims of Buchanan and Plaintiff in the Forlando Federal Suit; and tl this Court lacked jurisdiction over the FOIA Suits and the Wingate Suit; and that under the SCPC any judgment by Plaintiff and Buchanan in those suits would constitute an allowed claim.

56. The Court overlooked or misapprehended that Buchanan and Pope and those with whom they worked had carefully and efficiently protected the "I Feel Good" Trust and put the S.C. Supreme Court in position to restore $50 million Bauknight and the State/AG proposed to take from it at a very modest cost.

57. The Court overlooked or misapprehended that each of these matters was fully documented, with time and service details in a 100+-page claim and joint affidavit filed by Buchanan and Pope on or about July 14, 2009 after Tommie Rae began "speaking as one" with the State/AG and seeking discovery as to commissions payable to Buchanan and Pope.

58. The Court overlooked or misapprehended that in 2009 Buchanan and Pope had asked this Court to delay the matter of their commissions, other than the already-allowed and Court approved amount Pope was due for her 2007 SA service; and the approximately $2 million due Buchanan/Pope (approximately 30%/70%) on a time-plus-costs basis which was already contracted, allowed and court-approved and which, by Order of Jg. Early dated January 8, 2008 (the "Jan 8 Order") was earning interest at the legal rate.

59. The Court overlooked or misapprehended that because Bauknight and purportedly the State/AG had represented to the Richland County Court in 2010 that the situs of

the 2000 Trust was in Richland County and that all matters raised in the complaint and counterclaims of the Wingate Suit must be decided in Richland County, and prevailing before Jg. Manning in this matter, the Aiken Court was now required to hold matters raised in that suit in abeyance pending the outcome of the Wingate Suit because jurisdiction now rests in Richland County.

60. The Court overlooked or misapprehended that this jurisdictional dilemma was caused by misrepresentations by Bauknight.

61. The Court overlooked or misapprehended that the Disallowance made another reference to the false felony claim which Bauknight has lodged since 2011.

62. The Court overlooked or misapprehended that the complaint and Disallowance make clear that the intended effect of the Disallowance was to affect the outcome in favor of Tommie Rae and James B. – and Bauknight individually – in the Forlando Suit, the Wingate Suit and the FOIA Suits, depriving Plaintiff, Buchanan, Hayes and Bailey of a fair chance to show:

a. Buchanan and Pope did not commit the federal felony of overstating the Music empire to the IRS by $79 million for an improper purpose.

b. Bauknight's less-than $4.7 million value of the music empire is outrageous and his hiding the claimed appraisal on which it is supposed to be based is a breach of his duty under the SCPC.

c. The false felony claim is particularly egregious because Bauknight made it not only for the Estate/2000 Trust but as purported agent for the State/AG;

d. A recent case makes clear that the claim, if true, would threaten Buchanan and Pope's ability to practice law.

63. The Court overlooked or misapprehended that Jg. Early and the Clerk of Court,

requested by Bauknight, then issued three June 13, 2013 Orders which, without Due Process or notice or hearing of any kind, denied Plaintiff and others of their economic rights and constitutional Due Process, Equal Protection and First Amendment rights by ordering that Plaintiff has no right to protect herself against false felony claims; in defenses and counterclaims against the false allegations of the Estate/2000 Trust, through Bauknight, in the Wingate Suit; in the counterclaims and offset for damage caused by the fraud of Bell and Forlando in the Forlando Federal Suit; or to protect her FOIA rights by ruling without notice, hearing or reason to do so:

> "It is now the law of the case that Ms. Pope has been removed from her fiduciary positions and is no longer a party to the James Brown Estate and Trust litigation.
>
> AND
>
> "It is the Order of this Court that Ms. Pope does not have standing to proceed with the motions she has filed since the Supreme Court's opinion has issued. Accordingly this Court hereby directs the Clerk of Court to remove Ms. Pope's filing from these cases pursuant to the Supreme Court's Opinion removing her as a party to these proceedings.

64. The Court overlooked or misapprehended that the June 13 Orders are an unconstitutional denial of the Due Process, Equal Protection and First Amendment rights of Buchanan, Plaintiff, real heirs and others; are now the subject of a pending appeal; and cannot be used to breathe life into earlier void orders secured prior to the remittitur in Wilson v. Dallas nor into a void Disallowance issued maliciously under authority of a void order never served on anyone.

65. The Court overlooked or misapprehended that without notice, hearing or legal basis to do so, one of the June 13, 2013 Orders declared that the Court had reviewed all of the James

Brown files then made numerous incorrect and unsupported findings, including that all prior fiduciaries who support the estate plans and their counsel must be removed for the proceedings; the PRs named under the 1999 Will must be removed from the relevant James Brown cases; and continued the State's dismemberment the "I Feel Good" Foundation and control James Brown's private property which was begun August 10, 2008.

66. The Court overlooked or misapprehended that the June 13, 2013 Orders were not served on most heirs and devisees; did not notify proper parties; and enjoined without notice or hearing Plaintiff, Buchanan, former PR/Trustees, heirs and others from participating in matters affecting their direct economic interest.

67. The Court overlooked or misapprehended that the June 13 Orders specifically violated the Due Process rights of acknowledged heirs Jeanette, LaRhonda and Nicole , and that Bauknight never made any attempt to correct this Court's action or correct the improper findings.

68. The Court overlooked or misapprehended that the Court of Appeals now has jurisdiction over the improper June 13 Orders.

69. The Court overlooked or misapprehended that on June 13, 2013 Judge Early and the Honorable Liz Godard, Clerk of Court deprived a majority of Brown's real heirs, creditors of the Estate of James Brown; all beneficiaries under the 2000 Estate Plan who support the estate plan; and all beneficiaries of the 1999 backup Will in grave jeopardy by issuing the 3 *ex parte* orders – with no notice or hearing, and failing even to name the parties to be bound, which would:

a. Virtually remove every supporter of Brown's 2000 estate plan or backup

Will from participation;

b. Place Tommie Rae and claimed children challenging the Estate Plan in control;

70. The Court overlooked or misapprehended that these three orders made findings and reached legal conclusions which are wholly unsupported in the records of what happened during the 4-year *Wilson v. Dallas* appeal, and should not have been made when Plaintiff's Petition and Motion for Emergency hearing seeking to restrain Bauknight was pending.

71. The Court overlooked or misapprehended that it had a duty to conduct a hearing based on the serious allegations and request for restraint and removal of Bauknight, but failed to do so.

72. The Court overlooked or misapprehended that the . .obate Court and Circuit Court and Bauknight have since used the ex parte pre-remittitur orders and the *ex parte* June 13 Order, with subsequent *ex parte* and improperly acquired orders to trample on the Due Process, First Amendment and Equal protection rights of Brown's real heirs; the beneficiaries who support Brown's 2000 Estate Plan; creditors who have worked to support the estate and trust; and all others who seek to enforce the "I Feel Good" Trust.

73. The Court overlooked or misapprehended that without notice to heirs, devisees or proper joinder the Circuit Court announced by email that petitions for appointment of PR/Trustees must be presented by July 29, 2013, but excluded Plaintiff, Buchanan, a majority of the heirs and others from any notice.

74. The Court overlooked or misapprehended that Bauknight continued throughout to conceal from the Court secret dealings with Forlando since January 2011.

75. The Court overlooked or misapprehended that the Complaint filed on June 10, 2013 properly set out the claims for all relief; that the Court should have conducted a hearing within 10 days; no dismissal should be granted as to any Defendant or claim; Bauknight should have been restrained, required to account, required to disgorge individually the Wingate payments if they were made unjustly, as appears, and possibly others; removed; and an SA/ST appointed.

76. The Court overlooked or misapprehended that in June the S.C. Supreme Court dismissed the Hynie "diary" Gag Orders Appeal, freeing Judge Early to hear Adele's motion to void them, but he has refused repeated requests to have a hearing.

77. The Court overlooked or misapprehended that on June 27, 2013 Plaintiff wrote AG Wilson to outline the importance of declaring void or expired the 2008 Gag Orders which prevent discussion of the widely known contents of the so-called Hynie "diary", but that in the 7 months since the AG has refused to become involved; Bauknight has represented Tommie Rae in continuing the Gag; and the limited SA has done nothing to protect the Estate/"I Feel Good" Trust.

78. The Court overlooked or misapprehended that in July , August and September 2013 in the Forlando Federal Suit, Bauknight at first claimed he knew nothing about the counterclaims, but later claimed Forlando had done nothing wrong and the 2000 Trust would abandon its claim for attorneys' fees against Forlando.

79.. The Court overlooked or misapprehended that in July Adele asked Jg. Early to assist with securing the fee contracts of the Settling Parties he ordered delivered to her in 2010, but Bauknight, Levenson, Bell and Tommie Rae's lawyers refuse to deliver them.

80. The Court overlooked or misapprehended that on July 8 Bauknight's counsel sent an *ex parte* ethics opinion of Nathan Crystal, Esq. to Jg. Early. The opinion, although requested by Adele, has not been disclosed.

81. The Court overlooked or misapprehended that on July 9 Jg. Early heard Plaintiff's Motion to Vacate the June13 Orders; denied the motion; and the Orders are now on appeal, and Jg. Early has no jurisdiction over them..

82. The Court overlooked or misapprehended that on July 26, 2013 the letter and supporting documents of Robert Buchanan, Jr., with knowledge the fact that both Wingate and Bauknight had improperly claimed to have the State/AG's authority to settle with Buchanan in the Wingate Suit but had no such authority -- was adequate to give this Court jurisdiction to void the Buchanan settlement, but that the Court must hold that ruling in abeyance until the conclusion of the Wingate Suit in Richland County.

83. The Court overlooked or misapprehended that on July 29 Bauknight filed a Summons and Petition for Formal Appointment as Personal Representative and Trustee. It contained knowingly false information about Brown's heirs.

84. The Court overlooked or misapprehended that the Summons/Petition caption failed to mention the Trust or any Party.

85 The Court overlooked or misapprehended that the Summons mentioned "All Necessary Parties," but neither the Summons nor the Petition identified Necessary Parties.

86. The Court overlooked or misapprehended that Petition failed to identify heirs; devisees; fiduciaries with higher priority; and/or creditors with standing higher than Bauknight.

87. The Court overlooked or misapprehended that Bauknight's claimed standing based on his *ex parte*, pre-remittitur appointments and his position as a creditor.

88. The Court overlooked or misapprehended that the Bauknight Petition, and other applications, were not served on anyone; did not commence a suit; and were not proper under the *Wilson v. Dallas* remand.

89. The Court overlooked or misapprehended that in August 2013 son Daryl Brown launched a website to save the "I Feel Good" Trust and recounted his intention to save the "I Feel Good" Trust earlier which was delayed by intervention by Levenson and Bauknight who temporarily convinced him that the 2008 Settlement which destroyed his daughters' $285,000 education trusts was good for them.

90. The Court overlooked or misapprehended that on August 23, 2013 Bauknight was deposed in the Forlando Federal Suit and when questioned about Plaintiff's service said:

> That's poppycock. Pure speculation from your client [Pope]. Fantasy...I'm the person who actually looked at this. And I said it was a fair and reasonable settlement. I don't know where this fantasy is that $50 million was gone away. Number one, your client made up that number. Your client did that in a self-serving fashion so that she could take $5 million out of this estate for her retirement. So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value... She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this new roadmap to a T....
>
> ...[Y]our client raped this estate taki[illegible]very dime out of it for her

> own fees and for Bob's fees and her lawyer's fees leaving it insolvent....Your client didn't even try. Your client didn't know the numbers. I know the numbers. There was no diminished Legacy Trust. That's fabrication from your client. [Emp. Supp.]

and also claimed as confidential the "appraisal" which he says support his less than $4.7 Million value.

90. The Court overlooked or misapprehended that on September 1 Terry Brown confirmed his support for the Estate Plan in a Forlando Federal Suit deposition. He also confirmed his transfer to Forlando.

91. The Court overlooked or misapprehended that an email advised some people of a hearing on September 4, 2013.

92. The Court overlooked or misapprehended that the email notice directed that 5 applicants would be given 15 minutes to talk. Questions would be addressed by the Court only.

93. The Court overlooked or misapprehended that prior to the hearing objections were filed by Plaintiff and on behalf of journalist Sue Summer, but most of Brown's heirs, devisee and beneficiaries under the 2000 Estate Plan and 1999 Wil[1] were not even aware of the proceeding; had not been designated in Bauknight's petition; and had not been served.

94. The Court overlooked or misapprehended that on September 11 Bauknight asked the Federal Court in the Forlando Suit to impose a Confidentiality Order on the Bauknight Aappraisal which he should have filed in Probate Court in 2011 and the release of the AG's copy of which he has been fighting by FOIA iinterference for 2 1/2 years.

95. The Court overlooked or misapprehended that on September 16 Pope wrote AG

Wilson:

a. Mr. Bauknight clings to the notion that James Brown's worldwide music empire was worth less-than $4.7 million at death, not the correct value of approximately $84 Million. He clings to the notion that Ms. Hynie and her child control the Termination Rights. He clings to the false felony claims.

b. Mr. Bauknight's claims about Ms. Hynie's control of the Termination Rights have been shown to be wrong. You have now asked to be dropped from the lawsuit the State/AG filed against us in 2010 based on somebody's (false) claim that AG McMaster would breach his fiduciary duty if he did not sue us on May 19, 2010.

c. It is time to undo the damage done by these false felony claims, and the above ... public document.. [is] one place to start.

d. Since October 2012 we have discussed the damage caused by the State/AG's adoption of Mr. Bauknight's false claim that Bob and I intentionally overstated the value of Brown's assets by $79 million on the Estate Tax Return for the improper purpose of securing a $5 million commission. Section 7206 of the IRC says...

96. The Court overlooked or misapprehended that on September 23 Marc Toberoff, Esq. wrote Warner/Chappell Music, Inc. asserting that he represented DNA-proven daughters LaRhonda, Jeanette, and Nicole, along with Terry and other "Heirs" under the Federal Copyright Act; and confirming that Tommie Rae was not Brown's spouse and James B. not Brown's son; and strongly suggesting that Bell, and possibly others, are being allowed by Bauknight to usurp the rights and advantage of the Estate/"I Feel Good" Trust to contract with these heirs..

97. The Court overlooked or misapprehended that Mr. Toberoff said:

> The Heirs are informed and believe that Tomi Rae Hynie and James ... have served purported notices of termination regarding [Brown's]

musical compositions (the "Tomi Rae Termination.") The Heirs are further informed and believe that the Tomi Rae Termination is being handled by a representative of the Estate of James Brown, despite the glaring conflicts of interest that this would appear to entail.

98. The Court overlooked or misapprehended that on October 1 the Jg. Early signed the Appointment Order which was filed on October 1, 2013..

99. The Court overlooked or misapprehended that an SA/ST is needed for the Forlando Federal Suit, the FOIA Suits and the Wingate Suit because of Bauknight's irreconcilable conflict.

100. The Court overlooked or misapprehended that the *ex parte* October 10, 2013 Order of the Probate Jg. appointed the limited SA without notice to anyone, and when issued was delivered to Bauknight's counsel and not served on heirs, devisees, beneficiaries or creditors; and that the limited SA began almost immediately to try to defeat the heirs status of Brown's real heirs necessary to protect the Royalties, violating the Due Process rights of Michael, the real heirs, the claimed heirs awaiting DNA testing under the Peeples Protocol, creditors who worked to protect the "I Feel Good" Trust's royalties under the FCA by Termination Rights and others supporting the "I Feel Good" Trust.

101. The Court overlooked that this series of more than six *ex parte* and improperly obtained Orders threatens to retake the millions of dollars from the "I Feel Good" Trust Tommie Rae and Levenson announced on May 29 they intend to try to retake, to earn more than $20 million for Bell, Levenson and counsel for Tommie Rae and constitutes

– with the injunction imposed by the June 13 Orders --active State action, through these Probate and Circuit Court order in the denial of Due Process, First Amendment and Equal Protection rights of real heirs, devisees and supporters of the "I Feel Good" Trust , including creditor supporters, of the 2000 Estate Plan and 1999 Will.

101. The Court overlooked or misapprehended that the Probate Judge's October 10 *ex parte* order appointing the limited SA was never served on Interested Persons, but instead delivered to counsel for Bauknight, and that it is utterly void as a violation of the Due Process, Equal Protection and Probate and Trust Code rights of Plaintiff, other Creditors, Buchanan, Bailey, Hayes, real heirs and all others supporting the 2000 Estate Plan and 1999 backup will.

102. The Court overlooked or misapprehended that all parties knew Michael had never been served in either the Levenson Suit or Case 1647, but had been put in line for the Peeples DNA Protocol by Brown's original PR/Trustees who tested and acknowledged LaRhonda, Jeanette and Nicole, and that Buchanan and Pope's attempts to proceed with his testing was halted by the August 2008 settlement.

103. The Court overlooked or misapprehended that by October 11, 2013 Bauknight's secret collusion with Forlando/Terry a ' David Bell, Esq., ("Bell") while the 2000 Trust had a pending claim against Forlando was set out in part in an Affidavit filed in the Forlando Federal Case, providing adequate reason to remove or restrain Bauknight and appoint an SA/ST to conclude the Forlando Federal case.

104. The Court overlooked or misapprehended that on October 13, 2013

Plaintiff filed an appropriate Motion to Reconsider, Vacate, Alter or Amend the Bauknight Appointment of October 1, 2013, and that Jg. Early should have proceeded with setting a motion to restrain or remove Bauknight and appoint an SA based on that Motion and the attachments as follows:

Exhibit B Ltr. Of Pope to AG Alan Wilson dtd. June 27, 2013
Exhibit C Letter of Termination Rights Lawyer Marc Toberoff dtd. 9/23/13
Exhibit D Affidavit of Pope dtd. October 11, 2013, Forlando Federal Suit.

105. The Court overlooked or misapprehended that on November 6, 2013, Jg. Early, after enjoining most heirs, beneficiaries and others supporting the Estate Plan from participating – has refused to hear motions and granted Petitions of Bauknight the limited SA and Tommie Rae which threaten to deny FOIA rights of Plaintiff and others for years; prevent DNA testing under the Peeples Protocol of real heirs; take from real and acknowledged heirs Lisa, La Rhonda, Jeanette and Nicole their constitutional and statutory rights as heirs;continue to violate, for nearly 7 years, the rights of incarcerated heir Michael, for whom Plaintiff has moved to serve as GAL; threaten the 1999 backup Will with being void under the SCPC 10-year rule and trample on the rights of those who have worked to save and help enforce the "I Feel Good" Trust.

106. The Court overlooked that on November 22, 2013 counsel for Plaintiff in FOIA #2 sought to have a hearing but Bauknight and Wingate have continued to resist and AG Wilson has acquiesced in their continuing interference with 2011 FOIA requests.

107. The Court overlooked or misapprehended that on November 29, 2013 Plaintiff properly objected to Levenson's attempt to be relieved as counsel for Daryl Brown for the following reasons:

a. Levenson, with Bell, counsel for Tommie Rae and Bauknight – but without Daryl 's or Tonya signature, and without Daryl's knowledge – contracted on May 19, 2010 to pay a 40% contingency fee to Wingate and allow Wingate To sue Buchanan and Pope for tens of millions of dollars to dismantle the *Wilson v. Dallas* appeal in Daryl's, Tonnya's and other names without even Notifying most of the named Plaintiffs.

b. Levenson, by doing this, exposed Tonya, Daryl and Daryl's daughters Janise and Lindsey to counterclaims of Buchanan and Pope which were exacerbated by Wingate's 2010 failure to timely respond to the counterclaims.

c. Levenson, with Wingate, had – apparently without notice to Daryl or Tonya – rejected and moved to strike 2012 offers that would have been good for them AND may have avoided the *Wilson v. Dallas* 2013 decision.

d. Levenson had apparently approved the $563,000 payments to Wingate in late 2012, exposing Daryl, Tonya, Lindsey and Janice to the threat of disgorgement under *Wilson v. Dallas* even though AG Wilson was not notified to the payments, and Daryl, Tonya, Janise and Lindsey likely not notified.

e. Levenson had allowed Wingate and Bauknight to embroil Daryl, Tonya and Daryl's daughters in 3 FOIA Suits, in which Wingate is still purporting to speak for them to deny FOIA rights of South Carolina citizens, and exposing them both to attorneys' fees and penalties under FOIA.

f. By Levenson's placing their names as Interveners in the 3 FOIA suits, Levenson had allowed Daryl and others to aid Forlando in his deception of the Federal Court by concealing the January 2011 transfer by Terry to Forlando of Terry's interest in the Estate.

g. In January 2011 Levenson had signed for Daryl an amendment to the James Brown Legacy Trust, the implications of which are being sorted out in the Wingate Suit, FOIA #1 and the Forlando Federal Suit.

108. The Court overlooked or misapprehended that after learning of the limited SA's attempts to damage the "I Feel Good" Trust by trying to establish that Michael and other real heirs were not heirs, Plaintiff spoke with Michael's former attorney in California who encouraged her to call Michael about representing him in South Carolina.

109. The Court overlooked or misapprehended that Plaintiff elected not to contact Michael without notifying the Court of the situation, and did so by responding to the motion of the limited SA to exclude Michael and moving the Court to appoint her *pro bono publico* GAL for Michael and others not challenging the 2000 Estate Plan or 1999 will and seeking testing under the Peeples DNA protocol, all consistent with the Order of Jg. Early dated March 8, 2008 directing that an heirs determination be made in the Levenson suit for an administration in intestacy despite the PR/Trustee's assertion that Brown had both a valid 2000 Estate Plan and a valid 1999 backup Will.

110. The Court overlooked or misapprehended that Bell – who, with client Forlando and father Terry has deceived the State and Federal Courts since 2007 – now claimed to be Michael's lawyer, even though he has been fighting Michael's heirs status since 2008; is now fighting to prevent a GAL for Michael; authorized the Wingate Suit; has provided no evidence that he has notified Michael of his multiple conflicts of interest; and had done nothing to secure Michael's heirs status, which can be demonstrated with a $300 test. Further, Bell, a Georgia lawyer, has not filed a *pro*

hac vice application in any case claiming to represent Michael.

111. The Court overlooked or misapprehended that on Sunday December 8, 2013 Michael, unsolicited, called Plaintiff from prison to give her his prison number and thank her for what she was doing for him, but she refused to discuss any legal matters with him because of Bell's claim. She told Michael she intended to notify the Court and Bell of the call.

112. The Court overlooked or misapprehended that on December 11, 2011, Plaintiff notified the Court of the call and again asked that the Court appoint her GAL for Michael, as required by SCRCP because of his incarceration since Brown's death in another State, or conduct a hearing on the GAL appointment..

113. The Court overlooked or misapprehended that after the Toberoff Letter, Bell's claim to be representing the incarcerated Michael but working against his interest, and other developments make it clear that Bell is attempting to usurp the Estate/"I Feel Good" Trust's right to secure the royalties with fair-but-modest Termination Rights agreement with the half of Brown's heirs not challenging the 2000 and 1999 Estate Plans.

114. The Court overlooked or misapprehended that on December 11, 2013, Plaintiff, as a Special Status Party under Section 62-7-405 of the S.C. Trust Code and proposed *pro bono publico* applicant to be GAL for Michael and others, served her Reply to Return of the Limited SA opposing the appointment of a GAL for son Michael who, under SCRCP

115. The Court overlooked or misapprehended that on December 13, 2013 Plaintiff learned of the *ex parte* Order appointing limited SA secured from the Probate Judge on October 10, 2013 not serve on Interested Persons.

116. The Court overlooked or misapprehended that on December 13, 2013 the S.C. Court of Appeals, which now has jurisdiction over all matters related to the June 13, 2013 Orders and the October 1, 2013 Order, asked Plaintiff to submit a Memorandum of Appealability within ten (10) days.

117. The Court overlooked or misapprehended that on December 16, 2013, Jg.Early, after enjoining Plaintiff and most creditors who supported the Estate/2000 Trust, heirs and virtually all supporters of Brown's 2000 estate plan and backup 1999 Will from participating in cases which directly affect their economic interest and threaten irreparable harm to the "I Feel Good" Trust, at the request of Tommie Rae and James B., severed their defective Omitted Spouse, Elective Share and Pretermitted Child Claim.

118. The Court overlooked or misapprehended that on December 18, 2013 Plaintiff moved the Probate Judge to Reconsider, Vacate, Set Aside, Alter or Amend the Order Appointing the limited SA which was issued without summons, service, notice of hearing, hearing or notice to Interested Persons, and which made extensive and unsupported finding of fact and law.

118a. The Court overlooked or misapprehended that the limited SA, controlled by Bauknight, did nothing to stop the Court's irreparable harm to the heirs,

devisees and "I Feel Good" Trust caused by the December 16, 2013 Order, and did not seek reconsideration of it.

119. The Court overlooked or misapprehended that on December 18, 2013 Plaintiff asked Jg. Early to conduct a status conference and/or hearing on the following matters as to many of which she had been seeking relief since shortly after *Wilson v. Dallas:*

1. Plaintiff's motion to void the 2008 Hynie "diary" Gag Orders which was filed in early 2012 and ripe for hearing since the S.C. Supreme Court dismissed the appeal of Jg. Early's July 2012 Order asserting he lacked jurisdiction to void the Gag Orders in June 2103.
2. Plaintiff's July 2, 2013 written requests to Jg. Early for assistance in securing and releasing the fee agreements of Bauknight, Levenson, Bell and counsel for Tommie Rae which were presented to the Court during the 2008 settlement hearing in 2009; placed by Jg. Early with the clerk; but not found by the Clerk in 2010 when Jg. Early ordered them released to Buchanan and Plaintiff; and still missing from the Clerk's office.
3. Plaintiff's motion to serve *pro bono public* as GAL for heirs not challenging the 2000 estate plan or 1999 Will and seeking DNA testing under the Peeples DNA Protocol: James Curtis, incarcerated son Michael and the DOE defendants named in the Levenson Suit.

120. The Court overlooked or misapprehended that on or about December 20, 2013 Plaintiff filed with the S.C. Court of Appeals, at the request of the Clerk, a Memorandum Related to Appealability of the October 1, 2010 Order appointing Bauknight and the limited ST, the terms of which are incorporated herein, which properly sets out Plaintiffs standing to participate in all James Brown cases in which Bauknight, Tommie Rae and others are involved at least until the conclusion of the Forlando Federal Suit; the FOIA cases; the Wint[illegible] Suit; the Cannon attorneys' fee

matter; the Dallas commission claim; and her own commission claim.

121. The Court overlooked or misapprehended that on January 24, 2014, almost a year after the first *Wilson v. Dallas* decision Bauknight – still purporting to act under color of State authority – and the Probate Judge and Circuit Judge through more than six *ex parte* orders and orders issued without proper pleadings, service, notice or hearing, are continuing the State action commenced August 10, 2008 to take over Brown's private property; dismember the "I Feel Good" Trust; and violate the Due Process, First Amendment and equal protection rights of Plaintiff, Michael, La Rhonda, La Rhonda's children, Lisa, Nicole, James Curtis, the DOE Defendants, Buchanan, Bailey, Daryl, Janise, Lindsey and all Others under S.C. Trust Code Section 62-7-405 seeking to uphold and enforce, or not challenging, the "I Feel Good" Trust as embodied in Brown's valid 2000 Will and Trust and 1999 backup Will.

121. The Court overlooked or misapprehended that as of January 24, 2014 Jg.Early continues to refuse the appointment of a GAL to protect the interest of incarcerated Michael, James Curtis and DOE Defendants not contesting the 2000 Estate Plan and Will, while protecting without legal basis to do so both Tommie Rae and James B.

II. ADDITIONAL STANDING/ INTEREST TO PERSON ISSUES

122. The Court overlooked or misapprehended that dismissal under 12(b) or summary judgment as to any Defendant should not be granted where Plaintiff is an

Interested Person under Section 62-1- 201 by vi[illegible] of having an allowed, Court-approved, and unpaid SA fee of $47,972 and also a contracted, allowed, and court-approved partial PR/Trustee commission through May 26, 2009 of $1,473,550, with interest from May 26, 2009 at 8 3/4%, for both her 2007 service to the estate of James Brown (the "Estate") as special administrator ("SA") and partial PR/Trustee commission on a time plus costs basis for the work of Plaintiiff and her staff from November 20, 2007 through May 26, 2009, which was directed to be paid with legal interest on all unpaid amounts by Order of the Honorable Doyet A. Early, III in the Jan. 8 Order.

123. The Court overlooked or misapprehended that said dismissal or summary judgment should not be granted as to any Defendant where Plaintiff is an Interested Person because she has not received any of the allowed, court-approved partial PR/Trustee commission of $1,433,333, with interest at the legal rate from 2009, and she/ Buchanan - after voiding the Wingate Settlement – have other rights.

124. The Court overlooked or misapprehended that Plaintiff has standing to obtain all relief requested in the Complaint where she was sued by the Estate/2000 Trust, through Bauknight, in a still pending suit for tens of millions of dollars in 2010 in the Wingate Suit, with Bauknight also acting:

a. On behalf of the AG (without authority);

b. As agent for Tommie Rae & James B.;

c. As agent for Terry/Forlando;

d. As Trustee of the Legacy Trust/Set ..ment Entity; and

her counterclaims and offset claims in the Wingate Suit are active and pending.

125. The Court overlooked or misapprehended that because of the threatened loss of millions of dollars set out in the Complaint and Motion for Emergency Hearing, Bauknight's continuing to be a Plaintiff on behalf of Tommie Rae and James B. in the Wingate Suit; Tommie Rae's May 29 announced intention to re-take nearly 25% of the "I Feel Good" Trust based on false representations about heirs and the FCA; and the announced withdrawal of the Attorney General, the Court should have conducted a hearing under S. C. Probate Code ("SCPC") Section 62-3-607 within ten days.

126. The Court overlooked or misapprehended that Bauknight's refusal to protect the "I Feel Good" Trust by excluding or seeking to exclude heirs, devisees and beneficiaries who support the backup 1999 Will which makes Brown's noble estate plan ironclad - placing it in jeopardy of being unable to be probated under the 10-year limitation of SCPC 62-3-301(a)(vi) constitutes adequate grounds to grant the restraint and other relief sought in the complaint, including immediate restraint, removal for irreconcilable conflict, voiding *ex parte* orders, and the immediate appointment of an SA/ST to conclude the Wingate Suit, the Forlando Suit, and three FOIA suits where Bauknight is working for Tommie Rae and James B. and against the Estate/2000 Trust.

127. The Court overlooked that standing to restrain a PR/Trustee who threatens immediate and great harm to any estate, especially one where the entire residue is dedicated to a charity for needy students, should be liberally granted under SCPC §62- 3-607, which provides

in relevant part:

> **SECTION 62-3-607. Order restraining personal representative.**
>
> (a) Upon application of any interested person, the court by temporary order may restrain a personal representative from performing specified acts of administration, disbursement or distribution, or exercise of any powers or discharge of any duties of his office, or make any other order to secure proper performance of his duty, if it appears to the court that the personal representative otherwise may take some action which would jeopardize unreasonably the interest of the applicant or of some other interested person. Persons with whom the personal representative may transact business may be made parties.
>
> (b) The matter shall be set for hearing within ten days or at such other times as the parties may agree. Notice as the court directs shall be given to the personal representative and his attorney of record, if any, and to any other parties named defendant in the application. [Emphasis supplied.]

128. The Court overlooked or misapprehended that the intent of the Probate Code to allow an immediate restraint of personal representatives whose actions jeopardize the estate, the applicant or some other interested person is so clear that Section §62-3-607 allows the Court to be notified by application even without summons and complaint, and the SCPC requires that a hearing be held.

129. The Court overlooked or misapprehended that because Plaintiff has dedicated her time and expertise related to the relationship between the FCA and state-law provisions *pro bono publico* since May 8, 2013 to assist biological heirs of James Brown not challenging the 2000 Estate Plan or 1999 Will and all Others as defined under Section §62-7-405 of the South Carolina Trust Code ("SCTC") seeking to enforce the provisions of James Brown's "I Feel Good" Foundation, Plaintiff, in addition to standing as a creditor, has Special Interest standing to seek all relief requested in the complaint.

130. The Court overlooked or misapprehended that Pope's Special Interest standing is critical because:

a. Nearly a year after the 1st *Wilson v. Dallas* decision, Bauknight continues to serve as agent for Tommie Rae Hynie ("Tommie Rae") and her son James B., whose interests are adverse to the "I Feel Good" Trust, in the Wingate Suit and three FOIA suits in which they are interfering with FOIA rights to conceal public information adverse to Bauknight, individually, Tommie Rae and James B;

b. AG Wilson filed a motion to be dropped as a party to the Wingate Suit and recently revealed that Wingate was not authorized to name the State/AG as a plaintiff in the Wingate Suit; nor was Bauknight authorized to claim in the Wingate Suit complaint that he was suing 'on behalf of' the Attorney General of South Carolina;

c. The Settlor is deceased;

d The Attorney General has withdrawn from the Aiken cases; and

e. Jg. Early has confirmed as recently as October 8, 2013 that Buchanan, who acted jointly for six years to serve and protect the Estate and "I Feel Good" Trust with Plaintiff, served faithfully and properly.

131. The Court overlooked or misapprehended that the Complaint demonstrates that the false, career-threatening claim that Buchanan and Plaintiff committed the federal felony of intentionally overstating Brown's music empire by $79 million on the sworn Estate Tax Return for the improper purpose of obtaining a $5 million commission, based on Bauknight's claim that Brown's worldwide music empire was worth less than $4.7 million when Brown died, gives Buchanan and Pope standing to seek restrain and/or remove Bauknight; to seek to void self-serving *ex parte* and improperly-procured Orders which support his valuation and praise his actions and those of his attorneys with no basis to do so; and until this material matter which threatens her career and livelihood is finally resolved in the Wingate Suit, the FOIA suits, the

Forlando Federal Suit and elsewhere.

132.. The Court overlooked or misapprehended that the Complaint, the Motion for Emergency Hearing and the $563,000 Bauknight paid to Wingate (in addition to his 40% contingency contract) in 2012 to continue his FOIA interference and attempts to dismantle the *Wilson v. Dallas* appeal, shows that Plaintiff and all affected persons have standing to seek his restraint and removal for cause and require the Court to fix a time for hearing under Section §62-3-611, which provides in relevant part:

> **SECTION 62-3-611. Petition for removal; cause; procedure.**
>
> (a) A person interested in the estate may petition for removal of a personal representative for cause at any time. Upon filing of the petition, the court shall fix a time and place for hearing. Notice shall be given by the petitioner to the personal representative, and to other persons as the court may order. Except as otherwise ordered as provided in Section 62-3-607, after service of the summons and petition upon the personal representative and receipt of notice of removal proceedings, the personal representative shall not act except to account, to correct maladministration, or preserve the estate... [Emph. Supp.].
>
> (b) Cause for removal exists when removal would be in the best interests of the estate, or if it is shown that a personal representative or the person seeking his appointment intentionally misrepresented material facts in the proceedings leading to his appointment, or that the personal representative has disregarded an order of the court, has become incapable of discharging the duties of his office, or has mismanaged the estate or failed to perform any duty pertaining to the office. Unless the decedent's will directs otherwise, a personal representative appointed at the decedent's domicile, incident to securing appointment of himself or his nominee as ancillary personal representative, may obtain removal of another who was appointed personal representative in this State to administer local assets.

133. The Court overlooked or misapprehended that any person interested in the estate has constitutional standing to proceed with restraint and removal of Bauknight for cause as requested in the Complaint because since May 8, 2013 Bauknight has obtained multiple, self-

serving *ex parte* and improperly-procured orders which materially damage the 2000 Trust's claim for attorneys' fees and offset against Forlando in the now-dismissed 4-year suit to enjoin the 2000 Trust, demonstrating cause for removal under SCPC §62-3-611(a) which states in relevant part:

> **SECTION 62-3-611. Petition for removal; cause; procedure.**
>
> (a) A person interested in the estate may petition for removal of a personal representative for cause at any time. ...
>
> (b) Cause for removal exists when removal would be in the best interests of the estate, or if it is shown that a personal representative or the person seeking his appointment intentionally misrepresented material facts in the proceedings leading to his appointment, or that the personal representative has disregarded an order of the court, has become incapable of discharging the duties of his office, or has mismanaged the estate or failed to perform any duty pertaining to the office....

134. The Court overlooked or misapprehended that the Order of Jg. Early dated April 8, 2008 (the "April 8 Order") conferred status on Plaintiff and any other interested person to seek the appointment of one or more SA/STs at any time in the James Brown matters, and that the Complaint demonstrates that an SA/ST is needed in the Wingate Suit and three FOIA Suits where Bauknight continues to represent the interests of Tommie Rae, James B. and others adverse to the Estate.

135. The Court overlooked or misapprehended that because Plaintiff was forced by an improper and unnecessary Disallowance to file suit against the Estate/2000 Trust, she has standing in that suit to raise all other matters as to which she is entitled to relief.

136. The Court overlooked or misapprehended that the Complaint demonstrates that Bauknight, acting for the Estate, the 2000 Trust, Tommie Rae, James B. and others, commenced

Wingate Suit against Buchanan and Plaintiff on May 19, 2010 in Richland County; they answered and counterclaimed; and Plaintiffs prevailed when Buchanan/Pope challenged the venue, requires this Court to hold all matters raised in the Wingate Suit complaint, answers and counterclaims in abeyance until concluded.

137. The Court overlooked or misapprehended that where Bauknight used $500,000 of estate funds in 2012 to secure releases for Tommie Rae, himself, the Legacy Trust, James B. and purportedly the State from Buchanan's counterclaims, but the State/AG has since declared that Wingate lacked authority to bring the Wingate Suit in the name of the State/AG, both this Court and Richland County have jurisdiction to declare the void settlement void, but SCPC § 62-1-303 requires that Jg. Early hold the Aiken matters in abeyance, and Jg. Early should direct that the Richland County matter proceed.

138. The Court overlooked or misapprehended that where Bauknight has not only favored but currently serves as agent/plaintiff for James B., who is not presumed to be Brown's son; is the only post-vasectomy claimed child born in the 22 years between the procedure and Brown's death; has refused the Estate's official Peeples DNA Protocol for 7 years; and the proper determination of Brown's heirs is important to the protection of the "I Feel Good" Trust, any interested person, including Plaintiff, affected by this unfair treatment, has standing to seek removal of Bauknight.

139. The Court overlooked or misapprehended that her pending application to serve *pro bono publico* for Brown's son Michael, who has been incarcerated in California for 7 years and denied the right to take Peeples DNA Protocol both by Bauknight and Bauknight's *ex parte*

appointee coupled with his unsolicited call to thank her – confer standing in all matters related to determining who is an heir, including whether Tommie Rae is an heir.

140. The Court overlooked or misapprehended that on July 29, 2013 Bauknight relinquished in his invalid petition all claim to make decisions regarding the protection of the Estate/2000 Trust in the Will/Trust challenges, and such relinquishment includes his claimed standing to challenge Plaintiff's – or anyone's – standing as an "Other" under SCTC § 62-7-405.

141. The Court overlooked or misapprehended that any person who has been sued for money damages by the Estate/2000 Trust and has pending counterclaims for both money damages and offset in another court remains an Interested Person as to every case which affects either the defense or counterclaims until they are finally concluded.

142. The Court overlooked or misapprehended that Buchanan, James Bailey, Esq., Tressa Hayes, Esq., and James Richardson, Esq. and Albert Dallas, Esq. retain standing in all James Brown cases which touch upon the following issues until all James Brown suits in which Buchanan and Pope were sued are finally resolved:

a. Was the at-death value of the Brown's death $100 Million less the now-paid TIAA Debt, or less than $4.7 million as Bauknight claims?

b. Did each of the above appropriately challenge the claims of Tommie Rae and her son?

c. Did Bauknight unreasonably advocate for Tommie Rae and her son?

d. Did Forlando/Terry Brown, Bauknight, Tommie Rae and James B. -- acting through Bauknight without a GAL, commit fraud on one or more courts as described in §62-1-106?

e. Did Buchanan and Pope breach their fiduciary duty to the Estate/2000

Trust?

f. Did Buchanan and Pope cause tens of millions of dollars damage to the Estate/ 2000 Trust?

g. Shouldn't the 1999 Will be saved from the 10-year rule since it makes James Brown's noble estate plan virtually ironclad?

h. Isn't it correct that the Estate/"I Feel Good" Trust could have, and can, acquire from half of Brown's real heirs who are not challenging the estate plan, for as little as $100,000 per year, the FCA termination rights cooperation agreements Bauknight/Tommie Rae/Levenson proposed that they give up 52 2% of the "I Feel Good" Trust to get?

i. Since the *Wilson v. Dallas* decision has Bauknight intentionally damaged the "I Feel Good" Trust by allowing Forlando, Bell and Terry, or others, to interfere with, and usurp the Estate/"I Fe ' Good" Trust's rights to contract with real heirs Lisa, La Rhonda, Nicole, Jeanette, Michael and others?

143. The Court overlooked or misapprehended that because of the withdrawal of the AG and acts of Bauknight, Plaintiff, Bailey, and Hayes, children who have officially withdrawn their challenges to the Estate Plan are both Others under SCTC §62-7-405 and Interested Persons under SCTC §62-1- 201 which defines them as follows:

> "Interested person" includes heirs, devisees, ... creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent. . . It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

144. The Court overlooked or misapprehended tha. .ne Complaint sets out historical facts dating back to 1984 which prevent dismissal and establish the causes of action to remove

Russell L. Bauknight ("Russell") from fiduciary positions; to appoint a Special Administrator/Special Trustee ("SA/ST") to protect the Estate/2000 Trust in the four lawsuits pending where Russell currently serves as agent for Brown's companion Tommie Rae Hynie ("Tommie Rae") and her minor son James B; to require Russell to account; to void Russell's pre-remittitur appointments; and to void the Notice of Disallowance ("Disallowance").

III. THE FEDERAL COPYRIGHT ACT AND THE CHILDREN

145. The Court overlooked or misapprehended that the FCA has conferred certain rights on the children and grandchildren of James Brown *after* Brown's death related to the termination of Copyright assignments of Brown's 800+ songs (the "Termination Rights").

146. The Court overlooked or misapprehended that under the FCA, if an author dies survived by a spouse, the spouse has certain Termination Rights provided she had not effectively waived them.

147. The Court overlooked or misapprehended that under the FCA the definition of children and grandchildren "heirs" are different from the S. C. State law definition, and is determined at the relevant time, rather than at death.

148. The Court overlooked or misapprehended that the "spouse" under the FCA looks to state law, so that both a charity which holds copyrights and every child, as defined in the FCA, would be materially and adversely affected for the life of the claimed spouse if a state proceeding improperly determined a non-spouse to be a spouse.

149. The Court overlooked or misapprehended that after the death of a child of a copyright holder that same incorrect State-law determination will materially damage the rights of

grandchildren for the life of the claimed spouse, such as is the case of the children of DNA-proven and acknowledged heir LaRhonda, who died in December 2013.

150. The Court overlooked or misapprehended that every private foundation or other charity in America holding copyrights should have a strategy for dealing with Termination Rights issues, and that on August 10, 2008 The James Brown "I Feel Good" Trust had such a plan.

151. The Court overlooked or misapprehended that on May 29, 2009 when the now-void 2008 settlement was approved by the circuit court the Estate/"I Feel Good" Trust's Termination Rights plan was firmly in place and was poised to:

a. Confirm that James Brown had no spouse, which was being done by admissions, through *Lukich* and other facts and law.

b. Acknowledge as heirs-at-death under the FCA all children recognized in divorce proceedings, and children named in the 2000 and 1999 Wills who were not contesting the Wills.

c. Complete the Estate's official Peeples DNA Protocol and acknowledge all heirs-at-death not officially recognized by Brown in formal proceedings to create the largest number of properly-DNA- proven heirs to give the "I Feel Good" Trust maximum flexibility in reaching Termination Rights cooperation agreements with the most cooperative half of the heirs.

d. Reach Termination Rights agreements only with the half of the heirs who were not challenging the 2000 Estate Plan or 1999 Will.

e. Update the Heirs-at-death baseline at the death of children.

152. The Court overlooked or misapprehended that this important strategy was designed to preclude the "I Feel Good" Trust's having to be involved in years of litigation among claimed

heirs in Federal Court; and could have been completed in 2009 for less than $2,000 in DNA-testing fees.

153. The Court overlooked or misapprehended that it was in the best interest of the Estate/"I Feel Good" Trust to complete the Peeples DNA Protocol as to the non-settling parties during the almost-4-year *Wilson v. Dallas* appeal, and there was no impediment to doing so.

154. The Court overlooked or misapprehended that during the *Wilson v. Dallas* appeal Russell, who knew nothing about FCA Termination Rights in January 2009 when he recommended that Jg. Early approve the 2008 Settlement, learned the importance to the "I Feel Good" Trust of completing the Peeples DNA Protocol and Heirs-at-death determination plan, which was approved by Order of Jg. Early dated March 8, 2008 and includes action to determine that Brown died without a surviving spouse.

155. The Court overlooked or misapprehended that for nearly a year since the first *Wilson v. Dallas* decision, as a result of his continued alliance with and service as agent for Tommie Rae and James B. in four pending lawsuits, Russell has not only abandoned his duty of loyalty to the Estate/"I Feel Good" Trust, but effectively worked against the best interest of the "I Feel Good" Foundation in Termination Rights matters, causing material damage to the Estate/2000 Trust, as has his appointee.

156. The Court overlooked or misapprehended that, as demonstrated in the complaint, Bauknight's actions to promote the interests of Tommie Rae and James B. threaten millions of dollars of unnecessary harm to the Estate/"I Feel Good" Trust if he is not removed.

IV. TOMMIE RAE, JAMES B. AND RUSSELL

157. The Court overlooked or misapprehended that the complaint shows that as of 1984, when he had a vasectomy, James Brown had the following living, legally acknowledged or now-DNA-proven children, and claimed children seeking testing under the Peeples DNA Protocol:

a. DNA-Proven and Acknowledged Children under the Peeples Protocol:
1. La Rhonda; 2. Jeanette; 3. Nicole

b. Children born during marriages and acknowledged in divorce proceedings:

4. Lisa; 5. Terry; 6. Larry; 7. Deanna; 8. Yamma.

c. Child supported during minority; James Brown listed by mother on birth certificate; and seeking DNA testing:

9. Michael (incarcerated in CA since before Brown=s death)

d. Claimed children now seeking DNA testing:

10. James Curtis

158. The Court overlooked or misapprehended that James Brown's last wife, Adrienne died in 1996.

159. The Court overlooked or misapprehended that by 1997 Brown had a relationship with Tommie Rae, who concealed that she was married to Javed Ahmed.

160. The Court overlooked or misapprehended that Tommie Rae was present at Brown's home and witnessed the execution of Brown's Last Will and the 2000 Trust; and signed as a witness to the Advisory Board document, designating herself as the future Mrs. Brown.

161. The Court overlooked or misapprehended that the 2000 Will intentionally omitted

all past and future spouses, children and other claimed heirs from receiving any part of Brown's music empire.

162. The Court overlooked or misapprehended that during the pendency of the *Wilson v. Dallas* appeal, Tommie Rae and all others who had contested the Will acknowledged that they had discussed Brown's Estate Plan with him during the last 3 years of his life and that

> ... 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.

163. The Court overlooked or misapprehended that Tommie Rae separated from Brown in the late summer of 2000 and returned at Thanksgiving.

164. The Court overlooked or misapprehended that Tommie Rae's son James B. was born during the Ahmed marriage in Las Vegas in June 2001.

165. The Court overlooked or misapprehended that Brown's then-doctor and Trustee Dallas have confirmed that Brown was physically unable to father a child in 2000 because of the vasectomy and other health issues.

166. The Court overlooked or misapprehended that in December 2001, after waiving all state and federal rights in a prenuptial agreement, Tommie Rae falsified an application for a marriage license in Aiken County; obtained a license; and conducted a ceremony with Brown.

167. The Court overlooked or misapprehended that in 2003 Brown discovered Tommie Rae was married; they separated; and they took out a full-page ad in *Variety* announcing their separation.

168. The Court overlooked or misapprehended that in 2004 Brown commenced an action in Aiken County to void the ceremony with Tommie Rae.

169. The Court overlooked or misapprehended that in 2004 Tommie Rae advised Dallas that she would have divorce papers within 6 weeks, but never produced them.

170. The Court overlooked or misapprehended that Tommie Rae commenced a suit against Ahmed in Charleston County; acknowledged the marriage; but sought to annul it.

171. The Court overlooked or misapprehended that Tommie Rae's Charleston County action was never personally served on Ahmed; under *Lukich* did not revive the void marriage to Brown; and is not binding on the Estate, the 2000 Trust, Plaintiff or anyone else.

172. The Court overlooked or misapprehended that in 2004 Tommie Rae, through her lawyer, notified Brown that she was filing a $5 million lawsuit against him, but the pleadings have to-date not been located.

173. The Court overlooked or misapprehended that Tommie Rae sought support for her son; Brown sought DNA testing of James B.; and the suit against Tommie Rae settled with an Order which made no provision for James B. and contained an agreement by which she relinquished all right to claim to be Brown's common law spouse.

174. The Court overlooked or misapprehended that Tommie Rae thereafter made handwritten notes which, according to her attorney, would irreparably harm the claims she filed against Brown's estate after his death if disclosed.

175. The Court overlooked or misapprehended that in 2006 Tommie Rae, Brown and Dallas, Brown's attorney, had a phone conversation in which Dallas confirmed that because the

two were unmarried she was a mere guest in his home.

176. The Court overlooked or misapprehended that when she and Brown separated for the last time in 2006 Tommie Rae abandoned her handwritten notes at Brown's Beech Island estate which was owned by the 2000 Trust.

177. The Court overlooked or misapprehended that Tommie Rae and Brown were separated when he died Christmas Day 2006.

178. The Court overlooked or misapprehended that in early 2007 Tommie Rae filed defective Elective Share and Omitted Spouse petitions in the circuit court, not the Probate Court, and that the petitions contained no summons and failed to name or serve necessary parties.

179. The Court overlooked or misapprehended that under the S. C. Probate Code ("SCPC") § 62-1-201 a Petition for Elective Share is a "Formal Proceeding" which means that it is "conducted before a judge with notice to interested persons," and that a summons was required for both of Tommie Rae's petitions.

180. The Court overlooked or misapprehended that in early 2007 James B. filed a Petition to be declared an Omitted Child which, although defective, was necessarily also a formal proceeding for an adjudication of heirs.

181. The Court overlooked or misapprehended that under SCPC § 62-1-201 all of Brown's children and claimed children named above, with beneficiaries under the Will, were "Interested Persons" and necessary parties to both Tommie Rae's and James B' petitions because:

"Interested person" includes heirs, devisees, children,... creditors...

182. The Court overlooked or misapprehended that in early 2007 the estate established an official DNA testing procedure, the "Peeples DNA Protocol" which would serve the following purposes:

a. To preclude James B. as an heir if he failed to pass the Peeples DNA Protocol;

b. To identify and acknowledge Brown's DNA-proven heirs to establish an heirs-at-death baseline under the FCA to protect the Estate/"I Feel Good" Trust's copyrights to the Royalties.

183. The Court overlooked or misapprehended that the Peeples DNA Protocol could also serve as a defense should not-presumed heirs challenge the Will which acknowledged them.

184. The Court overlooked or misapprehended that after filing her petitions Tommie Rae, through counsel, asked Plaintiff to be considered as a nominee for SA.

185. The Court overlooked or misapprehended that on March 7, 2007 Jg. Early appointed Robert Buchanan, Jr. ("Bob") and Plaintiff as non-fiduciary SA s, and they served faithfully until November 20, 2007.

186. The Court overlooked or misapprehended that in the spring of 2007 Tom Wells discovered Tommie Rae's writings at the Beech Island estate; delivered them to the Cannon Group; and the writings and typed a transcript of them were widely disseminated and discussed for almost a year.

187. The Court overlooked or misapprehended that by August 10, 2007 it was undisputed that Lisa was a child of James Brown acknowledged in his first divorce agreement;

LaRhonda, Nicole and Jeanette were acknowledged by the Estate/2000 Trust after passing the Peeples DNA Protocol; Michael was in jail in CA needing a GAL under SCRCP Rule 17 and DNA testing; and James B. was refusing to submit to the Peeples DNA Protocol.

188. The Court overlooked or misapprehended that Lisa, LaRhonda, Nicole, Jeanette and Michael did not have to file a testacy proceeding themselves because all except Michael were acknowledged heirs; Michael was incarcerated and proceeding under the Estate's official adjudication procedure; and James B.'s petition, unless void, was a formal proceeding in which they and other claimed heirs were necessary parties and required to be served.

189. The Court overlooked or misapprehended that by Order of Jg. Early dated August 10, 2007 accepting the permanent resignation of Cannon, Cannon and the remaining PR/Trustee consented to make about 80 boxes of James Brown Historical Documents, including Tommie Rae's writings, available for inspection and copying by any Interest Person.

190. The Court overlooked or misapprehended that from May 26, 2009 Russell held the directly conflicting position of PR/Trustee under the Will/2000 Trust and Trustee of the Legacy Trust created by the AG, Tommie Rae.

191. The Court overlooked and misapprehended that in 2009 the State/AG, with Tommie Rae, induced LaRhonda, Jeanette and Nicole to withdraw from the Aiken proceeding on the promise that they would do nothing to damage their rights under the FCA or other federal law.

192. The Court overlooked or misapprehended that Russell, under color of state authority has violated the agreement for Tommie Rae's benefit for 4 years.

V. RUSSELL, DAVID BELL, FORLANDO AND THE FORLANDO FEDERAL SUIT

193. The Court overlooked or misapprehended that facts dating back to 1999 stated in the complaint compel Russell's removal based on his se t dealings with David Bell, Esq. ("Bell") and Bell's clients Terry and Forlando Brown.

194. The Court overlooked or misapprehended that Forlando was close to his grandfather; knew he refused to marry Tommie Rae after he discovered she was married; and knew that Brown's 2000 Estate Plan and backup 1999 Will were exactly what he wanted.

195. The Court overlooked or misapprehended that on January 9, 2007, just 2 weeks after Brown died, Forlando, his father Terry, and others engaged Levenson and contracted to pay Levenson 30% of what he could get them to dismantle Brown's "I Feel Good" Trust.

196. The Court overlooked or misapprehended that Brown established the "I Feel Good" private charitable foundation in both his 1999 Will and 2000 Estate Plan and gave his entire worldwide music empire to the "I Feel Good" Foundation.

197. The Court overlooked or misapprehended that in addition to 2 successive wills a year apart, Brown made a voice tape in early 2000 confirming his desire to provide for needy and deserving students through the "I Feel Good" Foundation.

198. The Court overlooked or misapprehended that by the fall of 2007 Forlando was aligned with David Cannon; had switched to Bell; but continued his plan to take the music empire from the "I Feel Good" Trust.

199. The Court overlooked or misapprehended that the complaint demonstrates that from September 2007 until today Bell and Forlando have engaged in a continuing pattern of

making false claims, filing fabricated documents and filing false affidavits to achieve their proposed takeover.

200. The Court overlooked or misapprehended that the deception began in Aiken in September 2007 when Bell filed for Forlando a knowing false "stipulation" of what assets were in the 2000 Trust, then in a later false affidavit in Federal Court claimed he had relied on Buchanan and Plaintiff.

VI. RUSSELL , THE VALUATION AND THE FALSE FELONY CLAIM

201. The Court overlooked or misapprehended that all PR/Trustees serving under Brown's Estate Plan except Bauknight havevalued the Royalties as about half of Brown's $100 million music empire, with Brown's right to exploit his image and persona (the "Publicity Rights") the other half.

202. The Court overlooked or misapprehended that on November 15, 2007 Dallas and Bradley filed a sworn Inventory & Appraisement ("I&A") valuing Brown's music empire at about $85 Million based on a $100 million offer from the TJBL investment group reduced by an approximately $15 million debt to the New York Teachers ("TIAA"), and no objection was ever made by anyone to the I&A.

203. The Court overlooked or misapprehended that the music empire valuation formula proposed by Buchanan and Plaintiff and Dallas/Bradley I&A produced a similar value, with about $80 million going to the "I Feel Good" Trust after the TIAA .

204. The Court overlooked or misapprehended that, with the approval of

Levenson and Tommie Rae, and without seeking the position, Buchanan and Plaintiff were appointed PR/Trustees by Jg. Early on November 20, 2007 when Dallas and Bradley resigned.

205. The Court overlooked or misapprehended that upon being appointed PR/Trustees Buchanan and Plaintiff had the duty to vigorously defend Brown's Estate Plan which specifically excluded all past and future spouses and other claimed heirs from the music empire and contained *In Terrorem* clauses requiring forfeiture by those who challenged the Estate Plan, which Brown described as "an affront to my wishes."

206. The Court overlooked or misapprehended that on December 5, 2007 when TJBL was officially formed, Forlando was secretly given 39%, but posed for years as an impoverished student wishing only to carry out his grandfather's noble estate plan.

207. The Court overlooked or misapprehended that between December 20 and 26 Tommie Rae and Levenson filed four challenges to the Will and 2000 Trust, all with defects, in the Probate Court, and that all were removed to the circuit court and filed in case 122.

208. The Court overlooked or misapprehended that on December 5, 2007 Forlando, with no contribution, secretly obtained 39% of TJBL.

209. The Court overlooked or misapprehended that TJBL proposed to acquire the music empire and float an IPO from which the Cannon group would be paid options or a "kickback".

210. The Court overlooked or misapprehended that on January 2, 2008 Forlando,

represented by Bell and 5 other attorneys but posing as an impoverished student, filed the Forlando Federal Suit to enjoin the 2000 Trust from taking any action until the Cannon Trustees were reinstated.

211. The Court overlooked or misapprehended that Forlando's suit was based on fabricated documents, false affidavits and scurrilous false claims against Plaintiff, Jg.Early and Buchanan which continued until Forlando's claims were dismissed in 2012, leaving only the counterclaims related to the damage he had caused the Estate, the 2000 Trust, Buchanan and Plaintiff to be tried.

212. The Court overlooked or misapprehended that the Forlando Suit damaged both the Estate/2000 Trust and Buchanan and Plaintiff, causing Buchanan personal embarrassment in the Court where he served as a part-time Magistrate Judge, and Plaintiff's professional negligence coverage to increase to 6 times its prior annual amount.

213. The Court overlooked or misapprehended that in addition, the Forlando Federal Suit threatened even greater damage to the 2000 Trust if not properly defended, as it was for four years.

214. The Court overlooked or misapprehended that the 2000 Trust, Buchanan and Plaintiff counterclaimed and sought attorneys' fees and costs in the Forlando Federal Suit, to the extent possible to be offset against Forlando's share of the 2000 Trust to lessen the impact of the necessary defense on needy students.

215 The Court overlooked or misapprehended that in early 2008, to gain an

advantage, Bell and Forlando filed six grievances in 2 states against Levenson, even falsely accusing Levenson of forging the 30% fee contract.

216. The Court overlooked or misapprehended that in January 2009 Bell's client Terry joined the 2008 Settlement while Forlando pretended to repudiate it.

217. The Court overlooked or misapprehended that since Forlando acquired the interest of Terry in the Estate in 2011, Plaintiff is also seeking offset against the Terry/Forlando interest in the Estate.

218. The Court overlooked or misapprehended that under the SCPC the Aiken Court lacks jurisdiction to issue orders affecting the merits of the Forlando Federal Suit and that under the SCPC any judgment obtained by Buchanan or Plaintiff against Forlando, or the Estate/2000 Trust for attorneys' fees and/or offset will constitute an allowed claim.

219 The Court overlooked or misapprehended that on March 7 and April 8, 2008, after hearings, Jg. Early issued orders detailing the service of Buchanan and Plaintiff and finding that all of their service from March 7, 2007 until April 8, 2008 as SAs and PR/Trustees had been both ethical and appropriate. Forlando did not appeal or seek reconsideration of the April 8 Order.

220. The Court overlooked or misapprehended that from January 2009 until today Bell had taken directly opposite material positions for Terry and Forlando at the same time in the State and Federal Court, including:

For Terry	For Forlando
1. Bauknight's less-than $4.7 Million value of the music empire is correct.	1. The less-than $4.7 Million value is 'bogus'.
2. Tommie Rae is Brown's spouse	2. Tommie Rae is not Brown's spouse and knew it.
3. The 2008 Settlement should stand.	3. The 2008 Settlement violates Brown's wishes.

221. The Court overlooked or misapprehended that in March 2009, Bell wrote Buchanan to threaten him with a judicial grievance if he did not resign.

222. The Court overlooked or misapprehended that Buchanan sent in letter to Jg. Early.

223. The Court overlooked or misapprehended that in March 2010, Tommie Rae's lawyer threatened Buchanan with a suit by the AG if Bob and Plaintiff did not abandon the *Wilson v. Dallas* appeal.

224. The Court overlooked or misapprehended that on May 18 and 29, 2010, Bell, Tommie Rae's attorney and Levenson signed a contract to sue Buchanan and Plaintiff in the Wingate suit, improperly naming the Attorney General as a plaintiff with Tommie Rae, Terry and Bauknight as agent both for the AG and Wingate as the sole attorney for all.

225. The Court overlooked or misapprehended that for more than 3 years Russell and Bell fought to prevent release of the Wingate Contract under FOIA..

226. The Court overlooked or misapprehended that when the Wingate Contract was released by the Federal Judge in October 2013 it was shown that the State/AG never legally authorized Wingate to sue for the State/AG; Bell- not Terry- had signed the contract; and

Russell had no authority to claim he spoke for the State/AG in suing Buchanan and Plaintiff for tens of Millions of dollars to benefit Terry/Forlando, Tommie Rae and Levenson.

227. The Court overlooked or misapprehended that the March 8, 2008 Order required that the Levenson suit for an "administration in intestacy" be served by publication on the Defendants and that the Levenson Suit be given a new Case number.

228. The Court overlooked or misapprehended that in May 2008 the Clerk of Court assigned Case No. 2008-CP-02 -0872 ("Case 872") to the Levenson Suit.

229. The Court overlooked or misapprehended that Levenson published the Summons as directed in the March 8 Order, but failed to complete service of the Amended Complaint on known, acknowledged heirs Lisa, LaRhonda, Jeanette, Nicole; failed to serve or appoint a GAL for the incarcerated Michael; and failed to appoint a GAL for the DOE Defendants listed in the caption, who would have identified James Curtis and others.

230. The Court overlooked or misapprehended that Buchanan and Plaintiff offered the 1999 Will for alternate probate in the Levenson Suit in the unlikely event that the 2000 Will was set aside; that its "I Feel Good" Trust is almost identical to the 2000 Will, but that the scholarships for needy students go to designated colleges; and that Bob and Plaintiff are the only people who have emphasized how important this backup Will is to demonstrating that Brown's wishes should be carried out and that as stated in the Wills.

231. The Court overlooked or misapprehended that the July 17, 2008 Christie's sale, including the proposal to sell the Grammy; was properly conducted; approved by the AG; and approved in three separate court orders, the last two of which were issued after the catalog

showing the Grammy was published.

232. The Court overlooked that neither Tommie Rae nor family members took advantage of opportunities to select items to be withheld from the sale which the Christie's Orders gave them an opportunity to do.

233. The Court overlooked that Forlando has confirmed that the family, feuding over numerous issues, joined together to sabotage the Christie's sale.

234. The Court overlooked or misapprehended that the Christie's sale was caused by the Forlando Suit and the need for funds to defend against the Will/Trust challenges and that Jg. Early specifically found and ordered that Buchanan and Plaintiff were entitled to raise all funds necessary to defend the Estate Plan.

235. The Court overlooked that on August 10, 2008 the State/AG joined with Tommie Rae and certain Levenson clients to 'stipulate' who would be considered heirs of James Brown, including a 'stipulation' that Tommie Rae would be considered the spouse and James B., with no DNA testing, considered a son.

236. The Court overlooked or misapprehended that the original 2008 Settlement made no mention of the contribution of Termination Rights to the Settlement Entity/Legacy Trust.

237. The Court overlooked or misapprehended that on September 25, 2008 Buchanan and Plaintiff filed the Estate Tax Return prepared by the Court-appointed CPA William Sellars. The sworn returns showed:

a. A Gross Estate (after the TIAA Debt) of approximately $85 million;

b. A Charitable Deduction for Property passing to the "I Feel Good" Trust of approximately $83 million

c. No marital deduction

238. The Court overlooked or misapprehended that the 2008 Settlement gave nothing to more than half of Brown's heirs under the Copyright act; that modest agreements with just some of them would secure the Royalties for decades; and that there was no need to make Termination Right deals with anyone challenging the Estate Plan.

239. The Court overlooked or misapprehended that Case No. 2008-CP-02-1647 ("*Wilson v. Dallas*") was commenced on November 25, 2008, after the filing of the Estate Tax Return, but that no objections to the Return were filed.

240. The Court overlooked or misapprehended that the Estate Tax Return filed by Buchanan was fully explored and discussed in a 2-day hearing in the Forlando Federal Suit in November 2008 and in the 7 days of hearing in the *Wilson .. Dallas* case that took place in early 2009.

241. The Court overlooked that while Russell was appointed PR/Trustee on May 26, 2009 his appointment was declared void by the *Wilson v. Dallas* decision.

242. The Court overlooked or misapprehended that the definition of Personal Representative under Section 62-1-201 of the Probate Code includes someone who is performing the functions of a PR, and that from May 26, 2009 until May 8, 2013 Buchanan and Plaintiff served the important function of protecting the Estate Plan while Russell worked actively against it.

243. The Court overlooked or misapprehended that the 5-year legal cost of protection of the Estate Plan against the 2008 Settlement at both the trial level, with 7 days of hearings, and through the appellate level, was only about $200,000 because:

a. Buchanan and Plaintiff helped with the appeal to keep down costs;
b. Lead Appellate counsel James B. Richardson, Esq., informed the Court in 2010 that he would be serving *pro bono publico*;
c. The Fee of James Bailey, Esq., primary counsel in lower matters, was modest in relation to his experience and talent.
d. The Fee of Tressa T. H. Hayes for the Wilson v Dallas matter was less than $100,000.

244. The Court overlooked or misapprehended that from January 2009 until May 8, 2013 Bell simultaneously represented Forlando, who claimed to oppose the 2008 settlement and Terry, who was part of the 2008 settlement and claimed a right of first refusal to purchase the music empire.

245. The Court overlooked or misapprehended that in March 2010 Tommie Rae's counsel threatened Bob's counsel with suit by AG Sonny Jones, through the law firm of Kenneth B. Wingate, Esq., if Buchanan and Plaintiff did not drop the appeal.

VII. THE CONTRACTED, ALLOWED & COURT-APPROVED CLAIMS

246. The Court overlooked or misapprehended that at a hearing on December 21, 2007 Buchanan and Plaintiff asked the Court to approve their fee as SAs of $317,000 and costs, and that on a time + costs basis for Buchanan and Plaintiff and their staffs Buchanan was entitled to about 30% and Plaintiff about 70% of the liquidated amount due.

247. The Court overlooked or misapprehended that Buchanan and Plaintiff asked Jg. Early to approve their proposal for the Estate/2000 Trust to pay partial PR/Trustee commissions

on a time+ costs basis, and the breakdown was approximately the same.

247. The Court overlooked or misapprehended that Jg.Early on October 8, 2013, at a hearing related to whether Buchanan was required to disgorge any funds for the joint work he and Plaintiff had done, praised Buchanan and confirmed the fine work done by them.

Respectfully submitted,

Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar No. 4501

January 24, 2014

AFFIRMATION OF COUNSEL

I certify pursuant to Rule 11, SCRCP, that consultation with opposing counsel is not required for a Motion to Alter or Amend and/or Reconsider or would serve no useful purpose as to the Motion herein.

Adele J. Pope

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	) Case No. 2013-CP-02-1337
Adele J. Pope, Plaintiff,	)
v.	) REPLY TO MEMORANDUM IN OPPOSITION TO MOTION TO ALTER OR AMEND AND/OR RECONSIDER AND VACATE MARCH 4, 2014 ORDER DISMISSING CLAIMS UNDER RULE 12(b) ON BEHALF OF RUSSELL L. BAUKNIGHT, INDIVIDUALLY
Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants.	
AND:	
Robert L. Buchanan, Jr., Interested Party.	

3.24.14
FILED
Lisa Boland
C.C.P.&G.S.
Anita Knowles
Deputy Clerk

Plaintiff responds to the Memorandum of Russell L. Bauknight, Individually, referenced above which was served on Plaintiff on March 18, 2014. Plaintiff relies on and incorporates her original motion and filings as supplemented herein.

Plaintiff also asks the Court to accept and consider the record of the hearing held on March 19, 2014 in Federal District Court Case No. 30:08-cv-0014-WOB before the Honorable William O. Bertelsman.

Seeking the Same Relief in Two Courts at the Same Time is Unfair

Mr. Bauknight asserts in the Memorandum that this Court has jurisdiction to proceed with his motion to dismiss the complaint in this case, allowing Mr. Bauknight, individually, to evade any review of four years of wrongdoing during his *void*

PR/Trustee service. At the same time, through other counsel, he is seeking the same relief, *individually,* in the South Carolina Court of Appeals . On March 13, 2014 he filed, *individually* and as a fiduciary, *a* motion to dismiss the appeal of the January 7, 2014 Order he tells this Court in his Memorandum applies only to Mr. Bauknight as a fiduciary.

This attempt of Mr. Bauknight, *individually,* to double-team Appellant and Robert Buchanan, Jr. through use of counsel of record for the Estate/2000 Trust is unfair.

It should not be allowed. The Court should void the March 4 Order for lack of jurisdiction.

Mr. Bauknight is Liable, Individually, for Improper Actions as PR/Trustee

Mr. Bauknight appears to claim that because he took improper actions while acting as PR/Trustee under the void May 26, 2009 appointment, he is not personally liable. This is not the case. Mr. Bauknight is liable under SCPC 62-3- 1005 and other sections to account for and disgorge damage from intentional acts, fraud, misrepresentation, or inadequate disclosure related to the settlement of Mr. Brown's estate.

For example, Mr. Bauknight's continued service *today* as agent for Ms. Hynie and her son in Richland County Case 2010-CP-40-4900 (the "Wingate Suit") is an intentional wrong. Mr. Bauknight must account *individually* for damage it causes.

Under *Wilson v. Dallas* Mr. Bauknight's $563,0000 payment of Estate money to Mr. Wingate's firm in 2012, in addition to his 40% contingency, may be subject to disgorgement by Mr. Bauknight *individually* if he cannot recover it from Mr. Wingate.

Mr. Bauknight, individually, must also answer individually, for Plaintiff's counterclaims against the Estate/2000 Trust in the Wingate Suit. It was he – representing Ms. Hynie and others directly adverse to the Estate/2000 Trust – who moved to strike Plaintiff's 2012 Offer of Judgment which would have relieved the Estate/Trust from default and resolved its counterclaim liability in the Wingate Suit. Mr. Bauknight's *individual* decision to leave the Estate/2000 Trust in default and liable for counterclaims intentionally put the Estate/2000 Trust in peril. It was done for the benefit of Ms. Hynie, her son and other non-devisees.

Mr. Bauknight, *individually* and intentionally, made the decision to withhold payments due Mr. Buchanan and Plaintiff under the January 8, 2008 Order for years while they accrued interest *at the legal rate*. He is still withholding, intentionally, a $47,000 court-approved SA payment due since January 2008 although funds have been available for years. This is an improper, intentional act of Mr. Bauknight. While the Estate/2000 Trust is liable to Plaintiff, Mr. Bauknight must account and disgorge the portion of the interest attributable to his intentional withholding to secure an advantage for Ms. Hynie, her son and other non-devisees he serves in the Wingate Suit.

Mr. Bauknight also *individually* and intentionally, concealed under the South Carolina Freedom of Information Act "("FOIA") and the Probate Code the $4.7 million "appraisal" of Brown's music empire during his void PR/Trustee appointment. He continues to conceal it today, in violation of his fiduciary duty.

Mr. Bauknight's false $4.7 million "appraisal" served as the basis for the South Carolina Attorney General, for more than two years, to falsely claim Robert Buchanan, Jr. and Plaintiff committed the federal felony of improperly overstating the value of Mr.

Brown's assets to the IRS by $79 million to secure a $5 million commission. Mr. Bauknight intentionally made that same claim while purporting to speak as an agent of the Attorney General of South Carolina. And he continues to make it today.

The intentionally false felony claim contributed to dicta by the South Carolina Supreme Court in its *Wilson v. Dallas* decision which has permanently damaged the careers and reputations of Plaintiff and Mr. Buchanan.

The acts described above were taken by Mr. Bauknight as a fiduciary. But they were also individual and intentional acts performed to advance interests directly adverse to the Estate/2000 Trust.

Instead of taking a neutral position during the *Wilson v. Dallas* appeal, Mr. Bauknight took an intentionally aggressive and vitriolic position *against* James Brown's valid Will and Trust . And in favor of Ms. Hynie and her son. Instead of simply accepting for purposes of administration that Ms. Hynie had been "stipulated" to be Brown's soouse under a settlement which was the subject of an appeal, Mr. Bauknight became Ms. Hynie's most ferocious advocate. He serves as her agent today.

Where Mr. Bauknight's intentional actions described above – and others – have caused damage to Plaintiff, the "I Feel Good" Trust or others, equity demands that Mr. Bauknight, individually – not the needy and needy and deserving students – account; correct those intentional acts; and bear the loss where they cannot be corrected. That is what the complaint seeks.

The Court Should Consider the March 19 Federal Court Hearing

The Complaint alleges, correctly, that Mr. Bauknight secretly colluded with

Forlando Brown and Terry Brown from 2011 to 2013. The collusion began in January 2011 when Sr. Assistant AG Havird "Sonny" Jones coordinated a secret amendment to the McMaster Legacy Trust, signed by AG McMaster just days before he left office.

AG Jones then distributed the Legacy Trust Amendment and an Assignment of Terry Brown's right of first refusal to buy the music empire to his son Forlando to the "settling parties."

For the next two years – represented by the same lawyer, David Bell, Esquire – Forlando and Terry – aided by Mr. Bauknight – concealed from multiple courts that Forlando was the real-party-in-interest in the *Wilson v. Dallas* appeal and the Wingate Suit. Mr. Bauknight remained silent while Forlando lied to the Federal Court, claiming he had no assets and would receive nothing from the State Court settlement unless his father died. Now he says Forlando did nothing wrong.

Forlando/Terry and Forlando made material and conflicting representations to the Courts. Forlando correctly stated in depositions – as he had in 2008 – that Ms. Hynie was not Brown's spouse. He also stated that $100 million was a conservative value for Brown's music empire, and $150 million offers were available for music empire in 2008 when AG McMaster took it over. He said Mr. Bauknight's $4.7 million was "bogus."

At the same time, Terry/Forlando joined Mr. Bauknight in claiming to the S.C. Supreme Court that Ms. Hynie's elective share claim was a "slam dunk;" that the music empire (which he had a right to buy at "fair market value") was worth only $4.7 million when Brown died; that there were never any offers to buy the music empire (even though he had been part of two); and that Mr. Buchanan and Plaintiff had committed

the federal felony of overstating the music empire by $79 million to get a $5 million commission.

Mr. Bauknight, as the complaint states, helped cover up and advance this fraud by interfering both with FOIA compliance and discovery in the Wingate Suit. He concealed the Wingate Litigation Retention Agreement that showed Mr. Bell had authorized the Wingate Suit to try to stop the appeal of the McMaster Settlement. At the same time Mr. Bell was telling the Federal Court that Brown's estate plan should be upheld.

Mr. Bauknight, with estate funds, hired counsel to fight the State's and Legacy Trust's release under FOIA of this Legacy Trust for three years.

These matters came to light only from sources *other than* Mr. Bauknight.

After the *Wilson v. Dallas* decision Mr. Bauknight, *individually*, has continued his troublesome alliance, in addition to Ms. Hynie, with Terry/Forlando. He claims that Forlando has done nothing wrong.

Mr. Bauknight claims the 2000 Trust should not recover from Forlando for the 4-year defense of Forlando's attempts to enjoin the 2000 Trust until felon David Cannon and his co-trustees were reinstated. These trustees wanted to cover up $12 million of missing funds and be paid $16 million in commissions. And they wanted options or a "kickback" from TJBL when the IPO was floated. Forlando was given 39% of TJBL just 25 days before he verified his fabricated complaint to enjoin the 2000 Trust.

Mr. Bauknight, *individually and intentionally*, is helping Forlando, Ms. Hynie and the Levenson clients dismember the "I Feel Good" Trust *again*.

In a deposition in the Forlando Brown Federal Suit on August 20, 2013 – months

after the *Wilson v. Dallas* decision, Mr. Bauknight said of the suggestion that the *Wilson v. Dallas* decision benefitted the Estate:

> That's poppycock. Pure speculation from your client [Pope]. Fantasy...I'm the person who actually looked at this. And I said it was a fair and reasonable settlement. I don't know where this fantasy is that $50 million was gone away. Number one, your client made up that number. Your client did that in a self-serving fashion so that she could take $5 million out of this estate for her retirement. So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value. . . She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this new roadmap to a T....
>
> ...[Y]our client raped this estate taking every dime out of it for her own fees and for Bob's fees and her lawyer's fees leaving it insolvent....Your client didn't even try. Your client didn't know the numbers. I know the numbers. There was no diminished Legacy Trust. That's fabrication from your client. [Emphasis supplied.]

On March 19, 2014 David Bell, Esquire demonstrated dramatically to the federal court the damage that the false valuation and other false claims of Mr. Bauknight, *individually,* have done to Plaintiff and Mr. Buchanan (and the "I Feel Good" Trust). Mr. Bell argued to the Honorable William O. Bertelsman Federal in Federal Case No. 3:08-cv-00014-WOB that the Supreme Court's dicta in *Wilson v. Dallas* – which was closely related to the false $4.7 million value and intentional false statements by Mr. Bauknight's agent published in more than 330 media outlets the day before the Supreme Court oral arguments – is proof that Mr. Buchanan and Plaintiff are not entitled to recovery from the Forlando/Terry share of the Estate/200Trust for the six-

year ordeal.

Mr. Bauknight had now engaged Mr. Wingate – Ms. Hynie's and Terry/Forlando's lawyer – to fight the claim for legal fees for the 4-year cost of Forlando's frivolous suit to enjoin the 2000 Trust.

And Mr. Bauknight joins Mr. Bell in asserting that Mr. Buchanan and Plaintiff are not entitled in the Forlando Federal Suit for the legal costs of defending the 2000 Trust against an injunction sought by Mr. Bell, the powerful Atlanta firm of Powell Goldstein and a former Chief Justice. If granted that federal injunction would have paralyzed the 2000 Trust; prevented the *Wilson v.Dallas* appeal; and perhaps resulted in the reinstatement of Mr. Dallas and/or Mr. Cannon.

As Mr. Bell's arguments and the remainder of the transcript of the March 19, 2014 hearing show, the Supreme Court's dicta is now being used by Forlando Brown to turn what under the Court's May 26, 2009 Order was a replacement of fiduciaries in connection with a settlement , *and not for cause*, into something that never happened.

If Mr. Bauknight is able to crush Plaintiff and keep Plaintiff and Brown's *real* heirs out of any proceeding, he, Forlando, Mr. Levenson and Ms. Hynie will be able to succeed in retaking the assets of the "I Feel Good" Trust without appellate review. This intention was announced by Ms. Hynie's counsel and Mr. Levenson publicly on May 29, 2013.

This is bad for the "I Feel Good" Trust. It is devastating for Plaintiff.

Much of the damage to Plaintiff is the result of Mr. Bauknight's intentional wrongdoing, including his failure to correct his false claim that the $84 million value was wrong; that Mr. Buchanan and Plaintiff had no basis for the value; and that his

was the first professional appraisal of Mr. Brown's royalties.

Conclusion

Mr. Bauknight should not be allowed to seek relief, *individually*, in two courts on the same matter at the same time – using two different attorneys. This Court should grant all relief requested in the Motion to Alter or Amend or Vacate. It should confirm that it lacks jurisdiction to proceed. In so doing, it should consider the March 19, 2014 transcript from the Forlando Brown Federal Suit.

Respectfully submitted,

Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar # 4501

March 20, 2014

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	)
COUNTY OF AIKEN	) Case No. 2013-CP-02-1337
	)
Adele J. Pope, Plaintiff,	)
	)
v.	) RETURN AND OPPOSITION TO MOTION
	) OF RUSSELL L. BAUKNIGHT
Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell Bauknight, Individually, as former *Executor de son tort,* and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust,	) FOR CONFIDENTIALITY ORDER
	)
Defendants.	)
AND:	)
	)
Robert L. Buchanan, Jr., Interested Party.	)

Plaintiff opposes the motion of the Estate/2000 Trust, made by Russell L. Bauknight, for a Confidentiality Agreement and Protective Order because Plaintiff has never sought, and has no current plans to seek, any confidential documents in this case.

Because Mr. Bauknight currently serves as fiduciary and agent for Tommie Rae Hynie; Ms. Hynie was paid for consulting in "Get on Up;" Ms. Hynie has publicly praised Peter Afterman and Mick Jagger, who are advancing her claim to be Brown's widow, the matters she seeks are of public importance in relation to Brown's music copyrights.

Some of the non-confidential and public documents Plaintiff has been seeking are:

1. The $4.7 million at-death appraisal of Brown's music empire.

[Brown's Historical Documents on which any appraisal would be based were made public by Order of the Hon. Doyet A. Early, III dtd. 8/10/07, and by Buchanan/Pope.]

2. Documents circulated among David Bell, Esq., the Attorneys General and others related to the false GRAMMY claim which reached the S. C. Supreme Court;.[1]

3. Documents which support or refute Forlando Brown's claim that in 2011 Mr. Bauknight rebuffed a deal to sell the assets Brown left to provide scholarships for needy students to Oprah Winfrey's counsel for as much as $200 million.

4. Documents which support or refute the claim of Marc Toberoff, Esq., that Peter Afterman is advancing Ms. Hynie's interest, a conflict with the "I Feel Good" Trust.

5. Documents showing whether the Bauknight/Afterman relationship with Ms. Hynie advances the interests of the "I Feel Good" Trust or Afterman's client Mick Jagger.

6. The 2010 Wingate 40% Litigation Retention Agreement by which attorneys Bell, Levenson and Medlin authorized Wingate to sue Buchanan/Plaintiff for the State/ Attorney General Henry McMaster, and Bauknight acted as the AG's agent.

This Return is supported by the Affidavit of Adele J. Pope filed herewith, and such additional affidavits and documents as shall be presented to the Court before hearing.

Respectfully submitted,

Adele Pope

Adele J. Pope
1228 Walnut Street
Newberry, S.C. 29108
Pro Se

---

[1]Material facts about the GRAMMY placement and withdrawal include that in February 2008 the AG took no position on the Christie's sale. [Exhibit A]

On July 12, 2008, the AG asked the Court to approve the Christie's sale.

On May 19, 2010 an unidentified someone convinced AG McMaster that he would breach his fiduciary duty as Attorney General if he did not sue Bob Buchanan and Adele Pope.

On May 19, 2008, Mr. Bell, Mr. Levenson and counsel for Ms. Hynie – expecting 30-40% of the McMaster Settlement – signed the contract for the AG to sue Buchanan and Pope.

The next day, May 20, 2010 AG McMaster's Sr. Assistant AG Sonny Jones met with James Trigg, Esq., an attorney with Kilpatrick Stockton (KP). [Exhibit B]

In January 2011 Jones, Bell, Bauknight's counsel and KP attorney Trigg were communicating about the transfer from Terry Brown to Forlando of Terry's interest in the estate.

Before February 2013 the false post that KP attorney Potter had halted the GRAMMY sale appeared, even though Robert Potter, Esquire, credited with action, does not know about it.

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Adele J. Pope, Plaintiff, v. Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants. AND: Robert L. Buchanan, Jr., Interested Party.	) IN THE COURT OF COMMON PLEAS Case No. 2013-CP-02-1337 PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT FILED 5.19.14 Liz Godard C.C.C.P.&G.S. Anita Knoepfle 12:30 pm Deputy Clerk

TO: THE DEFENDANTS NAMED ABOVE AND THEIR COUNSEL.

YOU WILL PLEASE TAKE NOTICE that ten (10) days after service hereof, or as soon thereafter she may be heard, the undersigned Plaintiff will move pursuant to Rule 56, SCRCP, and all applicable rules, for an order granting partial summary judgment against the Estate of James Brown and the James Brown 2000 Irrevocable Trust (the "Estate/2000 Trust"), with a direction that payments to her in reasonable amounts commence forthwith, as follows:

1. $47,972 in SA fees earned prior to November 20, 2007, pursuant to order of the Honorable Doyet A. Early, III dated January 8, 2008 (the "Jan. 8 Order"), with interest at the legal rate as provided in the Jan. 8 Order from March 8, 2008 until paid, being 8 3/4% for six (6) years at the annual rate of $4,198, and a daily rate of $11.50 after March 8, 2014.

2. $1,473,550 in partial PR/Trustee commissions for service from November 20, 2007 through May 26, 2009 as provided in the Jan. 8 Order, with interest as stated above on any unpaid balance for (5) years at the annual rate of $128,936, and the daily rate of $353.25 after May 26, 2014.

3. For Robert Buchanan, Jr., $500,300 with interest as stated above from May 26, 2009, with payment when the Order becomes final.

Plaintiff will further move based on Defendants' request that the Wingate Suit, FOIA #1 and FOIA #2, described below, be delayed until the conclusion of all Aiken County cases, for judgment that a delay in the above payments would be manifestly unjust to Plaintiff, and also damage the Estate/2000 Trust.

Plaintiff will further move for summary judgment that under the South Carolina Probate Code that any judgment obtained by Plaintiff against the Estate/2000 Trust in lawsuit listed below constitutes an allowed claim against the Estate; was not disallowed by the May 29, 2013 disallowance; and the existence of any counterclaims or claims in those suits does not constitute a reason to delay the above payments:

A. Richland Cty. Case No. 2013-CP-40-350, filed Aug. 3, 2011, Newberry County. ("FOIA #1") [Plaintiff claims attorneys' fees only];

B. Richland Cty. Case No. 2010-CP-40-4900, filed Aug. 10, 2011 in Newberry County ("FOIA #2 ") [attorneys' fees only];

C. Federal District Case No. 3:08-cv-00014-WOB, [the "Forlando Suit"];

D. Richland County Case No. 2010-CP-40-4900 [the "Wingate Suit"].

The grounds of this motion are:

a. Viewing all material facts in the light most favorable to the Estate/2000 Trust, Plaintiff is entitled to the relief requested.

b. Judicial economy will be served by an expedited decision.

c. The Estate's failure to pay even Plaintiff's $47,972 2007 SA

commissions for six years is manifestly unjust and punitive.

d. Failure to grant the requested relief to Plaintiff to Plaintiff where the Court has double approved a $500,000 payment to Robert Buchanan, Jr., whose service to the Estate/2000 Trust was always joint with Plaintiff, would violate movant's Due Process, Equal Protection and Probate Code rights.

Plaintiff requests an expedited hearing and decision in this matter based on the personal financial hardship, and in light of her *pro bono publico* service to the "I Feel Good" Foundation, and heirs and devisees who support it, since May 8, 2013.

This motion is supported by the January 8, March 7 and April 8, 2008 Orders of the Honorable Doyet A. Early, III, in Case 2007-CP-02-0122; *Wilson v. Dallas*, 743 S.E.2d 743 (2013) ; the claims of Buchanan and Plaintiff filed June 24, 2009, with Exhibits, which are incorporated herein by reference; the affidavit of Adele J. Pope filed herewith; and such additional affidavits, memoranda and filings as shall come before the Court prior to the hearing on this matter.

Movant affirms pursuant to Rule 11 that she has consulted in writing with Defendants who have declined to consent to the relief sought herein.

Respectfully submitted,

Adele J. Pope

Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar # 4501

May 14, 2014

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William Forlando Brown f/k/a Forlando Brown, Plaintiff, vs. Adele J. Pope, et al,	Civil Action No. 3:08-cv-00014-WOB **REPLY IN SUPPORT OF THE SPECIAL TRUSTEE OF THE JAMES BROWN AUGUST 1, 2000 TRUST'S MOTION CONFIRMING CONFIDENTIALITY DESIGNATION**

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Adele J. Pope, Plaintiff, v. Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort,* and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants. AND: Robert L. Buchanan, Jr., Interested Party.	) IN THE COURT OF COMMON PLEAS Case No. 2013-CP-02-1337 PLAINTIFF'S MOTION FOR INCLUSION OF DOCUMENTS IN RECORD, UNSEALING OF DOCUMENTS, AND RELATED RELIEF FILED 6 6 14 2014 C.C.P. & G.S. Deputy Clerk

TO: THE DEFENDANTS NAMED ABOVE AND THEIR COUNSEL.

YOU WILL PLEASE TAKE NOTICE that the undersigned Plaintiff will move before the Honorable Doyet A. Early, III at the Aiken County Courthouse located at 109 Park Avenue S.E., Aiken, South Carolina, within ten (10) days after service hereof, or as soon thereafter as Plaintiff may be heard, pursuant to S. C. Trust Codes Sections 62-7-405,

County James Brown cases, from January 2007 through the date of the hearing on this motion.

2. Docket # 1 through #365 of the public record located on pacer and in possession of all parties, Federal District Case No. 3:08-cv-00014-WOB, Forlando J. Brown, Plaintiff, v. Plaintiff, Robert Buchanan, Jr. ("Bob") and the James Brown 2000 Irrevocable Trust (the "2000 Trust"), [the "Forlando Federal Suit"],

3. All filings by or on behalf of the Estate and/or Trust in Richland County Case No. 2010-CP-40-4900 (the "Wingate Suit") from its filing May 19, 2010 until the date of the hearing on this motion.

4. All filings by or on behalf of the Estate and/or Trust in the three FOIA suits pending in Richland and Newberry Counties in which either or both seek to intervene.

5. The 76-page Custody Receipt signed by Russell Bauknight on June 22, 2009 and copies of public documents listed thereon, including the following documents from Box 142, described, in part thereon as follows:

> **Box 142- DECLARATORY JUDGMENT...; ELECTIVE SHARE MATTERS; DALLAS FILES; JAMES BROWN V. TOMI RAE HYNIE BROWN;...**
>
> ...
>
> Also contains 2 violet folders, both formerly from Dallas Box 9, with pleadings and other information about the annulment proceeding brought by James Brown against Tomi Rae Hynie Brown in 2003, including:
>
> 1. Consent Order of the Honorable Doyet A. Early, III dtd. March 15, 2007 in Case 122 unsealing case file C/A No. 04-DR-02–157 and directing that it be resealed once certified copies are obtained...
>
> 2. Pleadings and Correspondence from Aiken Family Court Case No. 2004-DR-02-157 JAMES JOE BROWN, JR., Plaintiff vs. TOMMIE RAE HYNE [sic.] BROWN, Defendant, including:
>
> a. January 29, 2004 Notice of Motion and Motion by James Huff and Albert Dallas, Attorneys for Plaintiff, that Plaintiff will move on April 20, 2004 ...for relief requested in the complaint;
>
> b. Summons and Complaint for Annulment filed January 29, 2004;
>
> c. Amended Summons and Amended Complaint for Annulment dated May 5, 2004 and filed May 6, 2004, with attachments;

d. Copy of Summons and Complaint TOMMIE RAE HYNIE a/k/a TOMMIE RAE BROWN vs. JAVED AHMED....;

e. Notice of Appearance of Donald B. Clark, Charleston, as additional counsel for Tommie Rae [sic] Hynie Brown dtd May 25, 2004, filed June 1, 2004, Aiken Case;

f. Ltr. of Donald B. Clark, LLC, to Liz Godard dated May 24, 2004 filing Notice of Appearance;

g. Acceptance of Service by Robert Rosen for Defendant dated My 14, 2004, filed June 7, 2004;

h. Notice of Motion and Motion for Temporary Relief of Hynie Brown dated June 3, 2004, Hearing date July 22, 2004, seeking Exclusive possession of her residence located at 218 Crystal Springs Road, Graniteville,....restraining Plaintiff from exercising any contractual options or enforcing any contractual agreements involving business, ...and for discovery;

i. Ltr. of Marcia F. Jones, Paralegal to Robert Rosen, dtd. June 3, 2004 filing same;

j. Answer and Counterclaim of Tommie Rae...dated June 2004, filed June 14, 2004, seeking various relief;

k. Reply of James Brown to counterclaim dtd. July 3, 2004, filed July 6 with COS dtd. July 6;

l. Notice of Motion and Motion of Hynie Brown for Live Testimony dtd. July 12, 2004, filed July 14, 2004, with affirmation;

m. Request of Jim Huff for final hearing dtd. June 17, 2004 and letter requesting same;

n. Ltr. of Tim Purtell Entertainment Weekly enclose check for $2 to cover cost of faxing annulment papers

o. Fax from Mr. Huff to Mr. Rosen dtd. 7/21/04 containing Brown Order & Motion. Consent Order of dismissal dated and filed August 16, 2004...

p. Ltr. from Jane E. Jones, Sect. to James B. Huff to Mr. Rosen dtd. August 24, 2004 re: annulment;

q. Certificate of Pardon, newspaper clippings; and

r. Ltr. from R. Rosen to James Huff dtd. 2/23/04 re: Rule 4.2, non communication with his client, and forthcoming civil action to be filed against Mr. Brown and others for $5,000,000.00 in Ct. of Common Pleas. [See Exhibit D for a portion of these documents].

3. The Motion to Alter, Amend or Void Order on Claimed LSA's Motion to Acquire DNA Samples from James B.; Motion to Enforce Stay under Rule 405 SCACR and for Related Relief delivered to The Honorable Doyet A. Early, III and counsel on May 23, 2014; filed with the Clerk on May 27, 2014; but thereafter returned by the Clerk by letter dated May 30, 2014, excerpts of which are attached as part of Exhibit E.

Plaintiff will further move for the Court to direct the unsealing and admission to the record in this case of the following:

a. The copy of the so-called Hynie "diary" on file with the Clerk of Court;

b. The Philpott Ball $4.7 million appraisal, parts of which are submitted ONLY TO THE CLERK OF COURT AND UNDER SEAL as Exhibit F, but copies of which are in possession of all parties.

Plaintiff will further move for the Court to require the Estate to deliver to the Clerk, and to Plaintiff, for filing and admission in this case, the Estate's copy of the following documents directed to be delivered to Robert Buchanan, Jr. ("Bob") and Plaintiff by Order of the Honorable Doyet A. Early, III dated March 15, 2010 as follows:

> This matter comes before me on motion....asking the Circuit Court to deliver all documents related to attorneys' fees, costs and or compensation presented to the Circuit Court in this matter, including but not limited to the contingency fee contract of Louis Levenson, Robert Rosen and the fees of the Guardian ad Litem for minor James B.
>
> This Court has made no findings for necessity for confidentiality.
>
> IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this Court is filing with the Clerk of Circuit Court and the Clerk is hereby directed to deliver to Robert L. Buchanan, Jr. and Adele J. Pope and/or their counsel, any and all documents related to

attorneys' fees and/or compensation, and/or costs, and/or fees of guardians ad litem and their counsel presented to this Court in the above case. ...

Plaintiff will further move for admission, in disk form , of the following:

1. The James Brown voice tape of 1999;

2. The disk or November 1, 2011 oral arguments in *Wilson v. Dallas;* and

3. The disk (s) of the Cannon oral arguments before the Supreme Court.

The grounds of this motion are:

1. The above documents consist of tens of thousand of pages, and voice tapes which are public; cannot easily be made a part of the record by hard copy; and which were made necessary by the May 29, 2013 notice of disallowance and pending bar (the "Disallowance") delivered by the Estate to Plaintiff. [See Exhibits A and C]

2. The Disallowance delivered on May 29, 2013 which made it legally necessary for Plaintiff to file this suit asserted that Plaintiff and Bob and their fine counsel James D. Bailey, Esq., and Tressa T. H. Hayes, Esq. were not entitled to any compensation under their properly filed 200+-page July 2009 claim, and that Plaintiff and Bob might be subject to disgorgement of payments made.

3. The Disallowance repeated a reference to a false felony claim the Estate, 2000 Trust and Attorney General lodged against Buchanan and Plaintiff -- that Bob and Plaintiff intentionally overstated the value of James Brown's worldwide music empire to the IRS on the estate tax return by $79 million for the improper purpose of obtaining a $5. Million commission.

4. The Disallowance threatened the already-allowed, liquidated and Court-approved amounts awarded to Bob and Plaintiff for their service through May 26, 2009 in the January

8, 2008 Order of the Honorable Doyet A. Early, III ("Judge Early") [the "Jan. 8 Order"], including the award of interest at the legal rate on all unpaid amounts as shown in the valid claim which is the subject of the Disallowance, namely:

Adele, as unpaid SA fees, plus interest from Jan. 20, 2008 at 8 3/4% until paid:	$47,972
Bob, as unpaid partial PR/Trustees commissions, plus interest from May 26, 2009 until paid at 8 3/4%	$500,300
Adele, as unpaid partial PR/Trustees commissions plus interest from May 26, 2009 until paid at 8 3/4%	$1,473,550

5. The Disallowance purported to prevent Plaintiff from showing that for the 4-year period from May 26, 2009 until May 8, 2013 during the void appointment of Mr. Bauknight, Plaintiff and Bob met the statutory definition of personal representative for that period under the South Carolina Probate Code ("SCPC").

6. While Plaintiff has served *pro bono publico* since May 8, 2013 to help enforce The James Brown "I Feel Good" Trust, she is entitled to fair treatment with respect to the reasonable compensation and reimbursement for her work from March 7, 2007 until May 8, 2013 as set out in the Will, 2000 Trust and Jan. I Order.

7. Judicial economy will be by admission of the records as requested herein, and the Court made a similar ruling in *Wilson v. Dallas* which did not cause problems.

8. There is no basis for the sealed documents to remain under seal, including that where they have been used by the Attorney General to make public decisions.

9. In October 2012, Judge Early praised the service of Bob and "double approved" a $500,000 payment made to Bob in the Wingate Suit, leaving open the possibility of voiding the Wingate Suit agreement, all on the full record.

10. Since Plaintiff's and Bob's actions for which compensation is sought were joint, Due Process requires that she be given the same opportunity to demonstrate her claim.

11. Sealing the Hynie"diary" and $4.7 million appraisal violates Plaintiff's Due Process and First Amendment rights.

12. Plaintiff's Due Process and First Amendment rights have been restricted by her not being allowed to participate in James Brown hearings since June 13, 2013, where the following is being confirmed:

a. Bob and Plantiff correctly claimed from January 2, 2008 until 2012 when Forlando dropped his claims against the 2000 Trust that Forlando was defrauding multiple courts in an attempt to acquire the music empire James Brown gave to the "I Feel Good" Trust.

b. Forlando and Terry Brown are continuing their attempt to dismember and acquire the assets of the "I Feel Good" Trust by usurping the Estate/"I Feel Good" Trust's right (and obligation) to protect the copyrights for decades by termination rights agreements with the least expensive HALF (or half + 1) of Brown's real heirs who are not challenging the estate plan, including Michael, Jeanette, La Rhonda, Nicole Lisa and Daryl.

13. Plaintiff's claim rests on the following facts supported by the above documents:

a. Plaintiff and Bob correctly defended against the claims of Hynie from November 20, 2007 to May 8, 2013 because the documents available to them, including the above records, demonstrate she is not likely Brown's wife.

b. Every child of James Brown, and all trustees who served James Brown from 2000 until 2009 have now confirmed in writing Plaintiff's and Bob's position that Hynie was not Brown's spouse.

c. Forlando and Terry Brown, to aid David Cannon and Albert "Buddy" Dallas and secure James Brown's music empire for themselves, have defrauded this Court, the Federal Court, the Richland County Court, the Newberry County Court and the Supreme Court repeatedly from at least January 2, 2008 until today.

d. The Attorney General should have joined the Estate (Bob and Plaintiff)

in supporting the estate plan and protecting Brown's $3 million annual royalty stream for the "I Feel Good" Trust by:

1. Confirming Brown died without a spouse;

2. Completing the Peeples DNA Protocol and heirs recognition for all non-presumed claimed children, including James B., Michael Deon Brown, James Curtis and any DOE Defendants;

3. Reaching termination rights agreements, for as little as $100,000 per year with the most cooperation HALF (or half + 1) of Brown's children NOT challenging the Estate Plan, and supporting the goals of the "I Feel Good" Trust.

4. Holding all former challengers to their admission in the Wingate Suit that:

> ... 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.**

e. The Attorney General should have support the 1999 backup Will which, with the 2000 Estate Plan, made Brown's estate plan ironclad.

f. Forlando correctly described the $4.7 million valuation as "Bogus." and the Attorney General should not have lodged felony claims against Bob and Plaintiff based on it.

g. The Attorney General consulted the Hynie "diary" before and after the Gag Orders, and his office discussed them with Dallas.

h. Every action Bob and Plaintiff took from November 20 2007 until February 27, 2013 properly carried out their obligations under the 2000 Will, the 2000 Trust and backup 1999 Will of James Brown.

i. Bob's inability to file a Petition for Rehearing to protect himself and provide additional protection to the "I Feel Good" Trust was the result of an illegal agreement and Wingate's false claim that he had authority to act for the Attorney General of South Carolina.

13. All parties have copies of the requested documents.

14. It is manifestly unjust, and violates Plaintiff's Due Process and First

Amendments rights to refuse the proposal stated herein, where the representative purporting to speak for the Estate and 2000 Trust:

a. Still serves as agent for Tommie Rae Hynie and her son James B. in the Wingate Suit, and a FOIA Suit;

b. Serves as agent for Terry Brown, whose interest in the Estate is now owned by Forlando Brown, in the Wingate Suit and a FOIA Suit.

c. Is intervening on behalf of the Estate in three FOIA Suits to prevent release of public documents;

d. Prevailed in an attempt to have material matters decided by the Richland County Court by claiming that the 2000 Trust has been administered there since May 26, 2009, and now seeks to stop that proceeding and a finding that Hynie was not Brown's spouse.

Respectfully submitted,

Adele Pope

Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar # 4501

June 3, 2014

AFFIRMATION OF COUNSEL

I certify pursuant to Rule 11, SCRCP, that I have consulted in writing with opposing counsel who have declined to consent to the relief sought herein.

Adele Pope

Adele J. Pope

From: "Newsome, William G." <BNewsome@nexsenpruet.com>
To: "Adele Pope" <adele@popelawfirm.com>
Cc: ""ribuchananjr@atlanticbbn.net" ,"FCrawford@RichardsonPlowden.com" ,"Black, David" ,"Black, David" ,"Gee, Tanya A." ,"Gee, Tanya A." ,"Russell Bauknight \(rbauknight@BPSCPAS.COM\)" "
<ribuchananjr@atlanticbbn.net;FCrawford@RichardsonPlowden.com;DBlack@nexsenpruet.com;DBlack@nexsenpruet.com;DBlack@nexsenpruet.com;TGee@nexsenpruet.com;TGee@nexsenpruet.com;TGee@nex
Subject: RE: Second Request for Acceptance of Public Documents in Record 1337(Jg.Early) [IWOV-NPCOL1.FID1033932]
Date: 5/30/2014 1:48:25 PM

Adele: I apologize for misunderstanding your request. However, we cannot consent to your request. To do so would result in hundreds of thousands of pages of irrelevant documents being made part of the record in your claims case. This case is about your claim for PR fees. You can introduce the documents that you think are relevant at the appropriate time.

If you disagree and feel you need to file a motion, I certainly understand.

I hope you have a good weekend. Billy

William G. Newsome III, J.D., LL.M. (Tax)
Certified Specialist in Estate Planning
& Probate Law
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
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NEXSEN PRUET

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0831

From: Adele Pope [mailto:adele@popelawfirm.com]
Sent: Thursday, May 29, 2014 4:28 PM
To: Newsome, William G.
Cc: ribuchananjr@atlanticbbn.net; FCrawford@RichardsonPlowden.com; Black, David; Black, David; Gee, Tanya A.; Gee, Tanya A.
Subject: RE: Second Request for Acceptance of Public Documents in Record 1337(Jg.Early)

Dear Billy:

The request I made to you was for admission to the record in connection with the claim which you disallowed on May 29, 2013, and which remains in the circuit court -- not the pending appeal. It is for the matter which is NOT subject to appeal.

I urge to to reconsider, as it will cost the estate thousands of dollars to try to prevent admitting already-public documents in a hearing about the propriety of Bob Buchanan's and my service from March 7, 2007 through November 20, 2007; our PR/Trustee service from November 20, 2007 until May 26, 2009; and our service in protection of the Estate Plan during the void appointment of Russell Bauknight for the period May 26, 2009 until May 8, 2010.

It would cause me great hardship to try to make a record with thousands of documents we all have. It is also unnecessary because Bob's service -- which was the same as mine -- has already been "double approved" by Judge Early, and Judge Early has confirmed that he will not be required to disgorge anything. [See October 2013 hearing where Judge Early also leaves open the voiding of the Wingate Suit "settlement" which Ken Wingate and Russell made under claim of State authority they did not have -- and which prevented Bob from protecting himself and the "I Feel Good" Trust in a Motion for Rehearing before the Supreme Court.]

Judge Early admitted the entire record into the hearing which resulted in Wilson v. Dallas, and it did not provide a hardship for anyone. As I recall, it was at the oral request of Mr. Rosen -- not even a written motion.

As you know, I have devoted almost full time, pro bono publico since May 8, 2013, to trying to help save The James Brown "I Feel Good" Trust from what is now clearly an attempt by Mr. Levenson, Ms Hynie and David Bell, Esquire, to usurp the

Ex. A - Estate/Trust Refusal

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right of the Estate/"I Feel Good" Trust to reach Federal Copyright Act termination rights agreements with the most cooperative HALF (or half + one) of Brown's real heirs WHO ARE NOT CHALLENGING THE ESTATE PLAN

They are apparently planning to do so by a second recognition of a non-spouse as a spouse, reducing her share --- but using the fake recognition of the non-spouse to destroy and/or downgrade the DNA-proven children's rights and increase their own. And Mr. Sojourner is helping them.

As we know, the Attorney General is now looking the other way, failing to protect the "I Feel Good" Trust through the 2000 Estate Plan or the 1999 backup plan, as Mr. Sojourner spends more than $250,000 in three months fighting the HALF of the REAL heirs of James Brown whose cooperation could have been marshalled at a small price by the Estate/" I Feel Good" Trust.

As we know, Mr. Bauknight's counsel said to the Supreme Court that the one thing we know is that David Cannon and Albert Dallas are liars. Yet, the civil suit against David Cannon was never pursued; $4,000 was paid to Louis Levenson to see the Roatan vacation home; and Mr. Cannon was never even charged -- for lack of diligence -- with the $5 million he took in 1999. [See the SLED sheet provided at his sentencing.]

Now when a Restitution Order is finally entered in 2014, the IRS has beaten the "I Feel Good" Trust to the Roatan home. So David Cannon could be a witness in the Wingate Suit against Bob and me?

And instead of rewarding Cannon -- and perhaps Dallas -- if they helped restore the "I Feel Good" Trust by vouching for the 1999 Will, Russell and Mr. Sojourner are working for the 10-year rule to apply so that James Brown's "I Feel Good" Trust and his ironclad estate plan will be dismembered -- again.

That was particularly troublesome because Mr. Cannon was being named by Kenneth Wingate as a witness against Bob and me at the very time Russell was doing nothing on either the civil suit to get the Roatan mansion OR the restitution matters.

All of this failure by the Estate/2000 Trust to recover $17 million missing during the void appointment of Russell, while spending millions and paying a 40% contingency for Kenneth Wingate to bring an illegal suit against Bob and me ,is a major part of my defense against the unnecessary suit YOU required me to bring by the unnecessary Disallowance --- Not just by disallowing an already-allowed and Court-approved claim as Russell's almost-first act after securing an ex parte appointment. The Disallowance repeated the false felony claim that Bob and I had understated the value of Brown's assets without cause.

We both know this is false. And the record in the Forlando Suit, the Wingate Suit and the three FOIA Suits in which Russell is STILL -- on May 30, 2014 -- trying to intervene in, along with the Cannon criminal and civil proceedings, make that clear.

James Brown was conservatively worth about $85 million when he died. The $4..7 million is fabricated. The expert opinion of R.B. Alexander in the Forlando Suit; the 2006 $42 Million Professional Appraisal of the Royalties which is in the Greenberg-Traurig File; the 12- 15 times revenue Terry Cox gave for the value of the Royalties; the $18 million Brown earned in road revenues between 2003 and 2006, and the additional $3 million per year he earned each year for ten years before his death are clear evidence that the $85 million value was sound and conservative. And, of course there is the opinion of Forlando that the $4.7 million is "bogus," while his father --the one with the right of first refusal (given to Forlando) -- is trying to buy the music empire based on what he and Russell say is $4.7 million.

And of course my defense for this unfair Disallowance must include this because I am unable to enjoy the profession I have loved for 30 years -- and to feel comfortable advising people to keep and bring their private foundations to South Carolina if I know:

1. The Attorney General, based on a hidden appraisal which Russell Bauknight says he did not even show the Attorney General, has accused Bob Buchanan and me of being felons by intentionally overstating the value of the music empire by $79 million to the IRS for the improper purpose of obtaining a large commission;

2. Because Bob and I dared to challenge a settlement brokered by the Attorney General, Mr. Wingate, the Attorney General (or his agent Sonny Jones - it is unclear) authorized 3 lawyers wanting $20 million to sign a 40% contingency fee contract with the law firm of Kenneth Wingate, Esquire -- and then bring an illegal suit in the name of the Attorney General of South Carolina for the benefit of Tommie Rae Hynie, her son and a trust created by the Attorney General for Hynie's benefit which he now says is private. [Then Russell paid him an addition $563,000 in 2012.]

3. Private property is not safe if the Attorney General wants it; doesn't get it, then retreats while his agent -- Russell Bauknight -- gets it again.

Ex. A - Estate/Trust Refusal

Here's the bottom line: the record in all of these cases is material to the proof of our already-allowed claim you chose to disallow. You are trying to force me to spend tens of thousands of dollars to be able to demonstrate that in a case you forced me to bring. You are doing it to punish me because I will not look the other way while Ms. Hynie, Mr. Levenson and Mr. Bell usurp the Termination Rights contracts that the Attorney General should be getting rid of Russell Baudknight for not protecting by:

1. Confirming that James Brown died without a spouse;
2. DNA-testing all non-presumed children WHO want to be DNA tested, and excluding the rest.
3. For $200,000 a year or less -- making fair termination rights agreements with the HALF (or half + 1) of Brown's real heirs NOT CHALLENGING THE ESTATE PLAN , preserving the Royalties for decades;
4. Doing the same thing with the grandchildren after their parents;

I very much wish you had not chosen to disallow the SA and partial PR/Trustee commission I was owed on May 26, 2009. Or that interest had not been running for 5 years.

It has caused me great personal hardship not to be paid since 2007. The two fabricated lawsuits have rendered me unable to obtain professional insurance at any reasonable price. The false, career-threatening felony claim has taken away my ability to be an expert witness and enjoy what should be the height of my professional years..

Please reconsider by Friday 5:00 p.m. as I intend to file the necessary documents to stop you from making me make multiple hard copies of tens of thousands of documents all of the parties already have to prove this already-allowed claim on July 8.

Thank you in advance for a positive response,
Adele Pope
May 29, 2014

>From: Newsome, William G. [BNewsome@nexsenpruet.com]
>Sent: 5/29/2014 2:16:40 PM
>To: adele@popelawfirm.com
>Cc:
>rbuchananjr@atlanticbbn.net;FCrawford@RichardsonPlowden.com;DBlack@nexsenpruet.co
>m;DBlack@nexsenpruet.com;TGee@nexsenpruet.com;TGee@nexsenpruet.com
>Subject: RE: Rule 11 Consultation Re: Admission of Documents - Case 2013-CP-02-
>1337 [IWOV-NPCOL1.FID1033932]
>
>Adele: We cannot consent to your request. David Black and Tanya Gee are handling
>the appeal of this case, in addition to the several other appeals you have filed.
>Please direct any motions, emails or other correspondence related to matters
>before the Court of Appeals to them.
>
>I will continue to handle the Petition for Allowance of claim and related issues,
>including the upcoming hearing on your motion for partial summary judgment and the
>discovery that I received today.
>
>Best, Billy
>
>From: Adele Pope [mailto:adele@popelawfirm.com]
>Sent: Thursday, May 29, 2014 9:26 AM
>To: Newsome, William G.
>Cc: rbuchananjr@atlanticbbn.net; FCrawford@RichardsonPlowden.com
>Subject: RE: Rule 11 Consultation Re: Admission of Documents - Case 2013-CP-02-
>1337 [IWOV-NPCOL1.FID1033932]
>
>Billy:
>

Ex. A - Estate/Trust Refusal

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STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	) SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)
	) Case No.: 08-CP-02-1647 (Original)
	) Case No.: 07-CP-02-0122 (Copy)
HENRY DARGAN McMASTER, in his capacity as Attorney General of the State of South Carolina; and others	) Case No.: 08-CP-02-0872 (Copy)
	) **SUPPLEMENTAL AFFIDAVIT**
Petitioners,	)**OF ROBERT L. BUCHANAN, JR.**
	) **AND ADELE J. POPE IN**
ALBERT H. DALLAS and others	) **SUPPORT OF COMMISSIONS AND**
Respondents.	)**PAYMENT OF CERTAIN PRIORITY**
	) **EXPENSES OF ADMINISTRATION**
IN RE:	)
The Estate of James Brown and the James Brown 2000 Irrevocable Trust u/a/d August 1, 2000	)

AND

STATE OF SOUTH CAROLINA	)IN THE COURT OF COMMON PLEAS
	)SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)Case Number: 2009-CP-02-1140
Robert L. Buchanan, Jr. and Other, Plaintiffs,	)
vs.	)
The Honorable Henry Dargan McMaster, as Attorney General for the State of South Carolina, Defendant.	)
IN RE: The Estate of James Brown and the James Brown 2000 Irrevocable Trust	)

AND

THE STATE OF SOUTH CAROLINA
IN THE CIRCUIT COURT FOR THE
SECOND JUDICIAL CIRCUIT

APPEAL FROM AIKEN COUNTY
PROBATE COURT

6.6.14
FILED
11:C.C.P.&G.S.
Anita Kynerette 202
Deputy Clerk

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THE HONORABLE SUE H. ROE,
PROBATE COURT JUDGE

Case No. 09-CP-02-01341

IN THE MATTER OF: James Brown

Robert L. Buchanan, Jr. and Adele J. Pope, as Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust.....Appellants

PERSONALLY APPEARED BEFORE ME, Robert L. Buchanan, Jr. ("Bob") and Adele J. Pope ("Adele"), who being duly sworn, depose and say:

I. AFFIDAVIT BASED ON PERSONAL KNOWLEDGE

1. This affidavit is made from our personal knowledge, including knowledge gained from the books and records of the Estate of James Brown (the "Estate"), the James Brown 2000 Irrevocable Trust (the "2000 Trust") and records reviewed during our service as Special Administrators (SAs) of the Estate of James Brown from March 7 to November 20, 2007 and as Personal Representatives (PRs) of the Estate and Trustees of the 2000 Trust from November 20, 2007.[1]

2. In 2000 James Brown created what appears to have been[2] the largest South Carolina Private Foundation created by one individual solely to provide scholarships for

[1] (a) Subject to subsection (b), a person has knowledge of a fact if the person: (1) has actual knowledge of it; (2) has received a notice or notification of it; or (3) from all the facts and circumstances known to the person at the time in question, has reason to know it. S.C. Code Ann. Sec. 62-7-104

[2] If fully implemented as James Brown mandated in 2000, the Brown Family Education Trust will provide 7 designated grandchildren with adequate funding for a full education, including pre-college, college and professional and/or post-graduate work (about $300,000 each). Within 5 years The James Brown "I Feel Good" Trust, a private foundation, will have a fund of at least $100 Million, providing, in perpetuity, $5 Million of scholarships to needy and deserving students desiring to attend schools in South Carolina and Georgia. [See Trust]

Ex. B - Commissions
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needy and deserving children desiring to be educated in South Carolina and Georgia.[3] We believe that it is our duty to preserve the James Brown Legacy for the State of South Carolina.

3. After August 10, 2007, approximately 80 boxes of documents were delivered to 1218 Taylor Street, the back of Adele's office, by or on behalf of the predecessor PR/Trustees David G. Cannon (Cannon), Albert H. "Buddy" Dallas (Dallas) and Alfred A. Bradley (Bradley), and more than 65 additional boxes of documents, records and pleadings have been gathered since November 20, 2007, during our service as PR/Trustees.[4]

II. SUMMARY OF RELIEF REQUESTED

4. Reserving all rights and objections to our removal as PR/Trustees, and orders of this Court related to the March 26 Document and appointment of Russell Bauknight as Successor PR/Trustee, we ask the Court for the following relief:

a. Payment of a full commission of $4,993,151, to be divided between Bob and Adele, based 1/3 on relative time and staff time spent; and 2/3 equally, based on our shared responsibility, as follows:

Bob: $ 2,147,221
Adele: $ 2,845,930

b. Payment of attorneys' fees for all counsel engaged or continued by us, as a priority expense of administration.

c. Payment from the first available monies of $2,153,983, plus interest from

---

[3] According to *Philanthropy in the Sunshine State*, in 2001, the year after which James Brown created the 2000 irrevocable Trust and executed his Will, both of which would fund, in addition to the Grandchildren's Trust, The James Brown "I Feel Good" private foundation, only 19 private foundations in Florida had assets in excess of $100 Million, the size of James Brown's Gross Estate, even though Florida housed 2 of the nation's 100 largest private foundations and 5.3% of the nation's private foundations.

[4] 145 boxes have been delivered (without prejudice) to Russell Bauknight.

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the Estate of James Brown and the James Brown 2000 Irrevocable Trust.

FURTHER DEPONENTS SAYETH NOT.

ROBERT L. BUCHANAN, JR.

SWORN TO before me this
13th day of July, 2009

(L.S.)
Notary Public for South Carolina
My Commission expires: 24 FEB 14

ADELE J. POPE

SWORN TO before me this
13th day of July, 2009

(L.S.)
Notary Public for South Carolina
My Commission expires: 24 FEB 14

Exhibits to
Joint Affidavit of AJP and RLB dtd. July 13, 2009

Exhibit 1	Complaint in the Declaratory Judgment (part of Case 122)
Exhibit 2	January 8, 2008 Order
Exhibit 3	February 20, 2008 Order
Exhibit 4	April 1, 2008 Order
Exhibit 5	Commission Calculations
Exhibit 6	Resumé, Robert L. Buchanan, Jr.
Exhibit 7	Resumé, Adele J. Pope
Exhibit 8	Time Records, Adele J. Pope
Exhibit 9	Time Records, Robert L. Buchanan, Jr.
Exhibit 10	Copy, Letter to Mr. Jones from Mrs. Pope, dtd. 11/21/07
Exhibit 11	Summary of Charges, James D. Bailey, Esquire
Exhibit 12	Summary of Charges, Tressa T. H. Hayes, Esquire
Exhibit 13	Copies, correspondence between PR/Trustees Buchanan and Pope and Office of Attorney General
Exhibit 14	Letter of Mr. Rosen to Judge Early dtd 8/12/08
Exhibit 15	Letter of Mr. Jones dtd 8/12/08
Exhibit 16	Letter of the Honorable Henry D. McMaster dtd 7/30/08
Exhibit 17	Emergency Petition dtd 6/26/08 and Letter of Mr. Jones dtd 7/7/08
Exhibit 18	Email of Terry Cox to Marion Heflin dtd. 11/26/07

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EXHIBIT 6

CURRICULUM VITAE

Robert L. Buchanan, Jr.
212 Newberry Street, N.W.
Aiken, South Carolina 29801
803-649-2586
rlbuchananjr@bellsouth.net

Educational Background

Erskine College	AB	1973
University of South Carolina School of Law	JD	1976

Court Admissions

South Carolina	1976
United States District Court South Carolina	1977
United States Court of Appeals Fourth Circuit	1988

Practice Areas

The approximate 33-year practice has included Criminal Defense, Workers' Compensation, Social Security, Administrative, Real Estate and Business Transactions, Probate, Domestic Relations and Civil Litigation; Emphasis has been in Civil Litigation, especially involving Commercial and Business Torts, Product Liability, Personal Injury, and Real Estate.

Recognitions

AV Rated Lawyer, Martindale-Hubbell
Preeminent Lawyers, Martindale-Hubbell
The Best Lawyers in America

EXHIBIT 7

Adele Jeffords Pope[1]

Ms. Pope graduated from Mary Baldwin College in 1965 with a degree in Spanish. She was awarded a Master of Arts in Teaching degree from the University of Virginia and was a Spanish teacher for several years.

From 1971 to 1974, Ms. Pope attended the University of South Carolina School of Law from which she received a J.D. in 1974. She was a member of the South Carolina Law Review and the Order of Wig and Robe. She also was a member of the Client Counseling Competition Team.

Ms. Pope has completed the Harvard Mediation Training Course.

PROFESSIONAL CAREER:

After serving as a Trust officer for a year, Ms. Pope began the private practice of law. She has practiced law since 1975, except while in attendance at the University of Miami. Ms. Pope received an LL.M. in Estate Planning from the University of Miami.

Ms. Pope practices law in Columbia, South Carolina[2] and for more than 25 years concentrated her practice in trust and estate drafting and administration and fiduciary litigation. Mrs. Pope has recently retired as a member of the American College of Trust and Estate Counsel. She has served as an officer of the Estate Planning, Probate and Trust section of the South Carolina Bar and on other Bar committees.

CHARITABLE BOARDS AND COMMISSIONS:

Ms. Pope has served on the Board of the South Carolina Commission on Women; the Central Carolina Community Foundation; the United Way of the Midlands; the Newberry Arts Council; and other entities.

REPRESENTATIVE COMPLEX ESTATE AND TRUST MATTERS AND LITIGATION:

I. Anne T. Boyce Matters:

Shortly after the passage of the South Carolina Probate Code, Ms. Pope was one of the attorneys in Trust and Estate matters related to the Estate of Anne T. Boyce.

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[1] Law Office of Adele J. Pope, PC, 1218 Taylor Street, P.O. Drawer 7125, Columbia, South Carolina 29202-7125, Telephone: (803) 779-1870, Facsimile: (803) 779-1673, email: adele@popelawfirm.com

[2] From January 1, 2009 until May 26, 2009, Mrs. Pope's activities were primarily related to her active service as one of two Personal Representatives of the Estate of James Brown and Trustee of the James Brown 2000 Trust (with Robert L. Buchanan, Jr.). They are currently seeking reconsideration of an Order dated May 26, 2009 terminating their services.

Ex. B - Commissions 3 pages in Original

EXHIBIT 8

ESTATE OF JAMES BROWN & JAMES BROWN 2000 IRREVOCABLE TRUST
Summary of Activities of Adele J. Pope, PR/Trustee
(working with Robert L. Buchanan, Jr.)
November 20, 2007 - May 26, 2009

November 20, 2007- Appointed with Robert L. Buchanan, Jr. (RLB, Jr) and Personal Representative of the Estate of James Brown and Trustee of the James Brown 2000 Irrevocable Trust dtd. August 1, 2000 upon resignations of Albert H. ("Buddy") Dallas and Alfred A. Bradley in open court.

After resignations, testimony of Dallas, Terry Cox (who made $100 Million offer in October) and Toby Byron made presentations to Court on record, under oath, in chambers.

Meeting of JBE, Inc. on return to Aiken. RLB, Jr. President; AJP VP.

Note: Jg. Early's Order Accepting Resignations and Appointing PR/Trustees issued Today. And Probate Ct. Order of Appointment issued.
Jg. Early issued Order Allowing Combining of Funds allowing Estate/Trust to maintain single Bank Account.

November 21, 2007 (Wednesday)

Correspondence; conferences with RLB, Jr. and others. Correspondence with S. Jones re: his assertion that that same persons could not serve as both as PRs &Trustees. Corresp. re: same. [Writing numerous persons to advise of appointment, give contact information.]
7.75 hrs.

November 22, 2007 - November 23, 2007 - Thanksgiving, Friday following.

November 24, 2007 (Saturday)

Travel to Aiken/Beech Island. Meet with RLB, Jr.; view Beech Island Home Estate; 2d meeting
6.50 hrs.

November 25, 2007 (Sunday)

Work on Application for Recognition of Exemption of The James Brown "I Feel Good" Trust; charitable trust matters; review issues related to Will/Trust no-contest clause; parties; elective share; gift taxes; estate taxes; Tangible Personal Property (TPP)
4.25 hrs.

Note: AJP makes first inquiry re: second "Schedule B"

Note: (June 3 -June 15) Emails from Kraig Fox re: possible exploitation or purchase by fox/Sillerman group of assets. Return email by AJP to confirm no family member could claim Finder's Fee. Fox confirmed no Finder. Sent to Bauknight with his request we follow up on this important contact. No response from Bauknight. See Fox communications attached as Exhibit A.

EXHIBIT 9

ESTATE OF JAMES BROWN & JAMES BROWN 2000 IRREVOCABLE TRUST
Summary of Activities of Robert L. Buchanan, Jr., PR/Trustee
(working with Adele J. Pope)
November 20, 2007 - May 26, 2009

November 21, 2007 (Wednesday)
Review e-mail, correspondence, faxes, documents; conferences
6.0 hrs

November 24, 2007 (Saturday)
To Beech Island, meet with AJP; view estate
5.50 hrs.

November 26, 2007 (Monday)
Telephone call, Sonny Jones, AG; telephone call from Security; Visit to home Estate, unclog drain.
3.25 hrs.

November 27, 2007 (Tuesday)
Meeting with AJP and Mary Frances Jowers
3.00 hrs.

November 28, 2007 (Wednesday)
Conference with AJP, Medlin, Levenson, Bell, Jones, Shukat, Sizemore and others; review e-mail, correspondence, faxes and documents
2.0 hrs

November 30, 2007 (Friday)
Telephone call, AJP, R. Maxwell re: Mary Jo & Bill
0.66 hrs.

December 4, 2007 (Tuesday)
Weekly mtg. with AJP
4.00 hrs.

December 5, 2007 (Wednesday)
Various telephone calls, AJP; telephone call, Laura; telephone conference, AJP, David Yount; telephone, accountants and (Tobie, Robin)
1.58 hrs

December 6, 2007 (Thursday)
Conference call with Judge Early, AJP and counsel for various parties

EXHIBIT 10

Adele J. Pope, P.C.

ATTORNEY AT LAW

Certified Specialist in Estate Planning and Probate Law

1218 Taylor Street
PO Drawer 7125
Columbia, SC 29202-7125
Telephone: (803) 779-1870
Telecopier: (803) 779-1673
Email: adele@popelawfirm.com

November 21, 2007

C. Havird Jones, Jr.
Senior Assistant Attorney General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
Fax: (803) 734-3677

BY FAX OR MAIL

Re: Estate of James Brown/James Brown 2000 Irrevocable Trust

Dear Sonny:

I am in receipt of your e-mail sent at 11:15 this morning and am responding to it quickly because of the coming holidays. Bob may want to answer this separately.

I do not fully understand your position with respect to the obvious conflict, since Mr. Brown himself designated the same persons to be personal representatives and trustees, and there is incorporation by reference language in the Will. Also, whereas our obligations prior to yesterday were to oversee preservation and protection of assets, I believe, as personal representatives, we now have the obligation to support and uphold the Will and Trust, which are wholly compatible with each other and which, together, constitute Mr. Brown's known estate plan.

You asserted that "you" stated in court "that the trust is NOT an inter vivos trust". Again, Bob may want to answer this separately, but I don't recall such a statement by either of us. If it was made, it was an inadvertent error, and should be corrected on the record.

The James Brown 2000 Irrevocable Trust was clearly an inter vivos trust, into which at a very minimum, the real estate was deeded during Mr. Brown's lifetime. It has received, or by its terms will receive, what we hope will be many millions of dollars. Under the formula clause, we hope the bulk of that will go to the James Brown "I Feel Good" Trust and be dedicated to charitable purposes.

I am concerned about your assertion of a possible ethical conflict, as I take very seriously such a remark. Please let Bob and me know the basis for such an allegation, as we would want that matter fully explored in connection with any motion filed by you, and, if appropriate, ruled on by the Court.

Ex. B - Commissions 3 pages in Original

EXHIBIT 11
ATTORNEY FEES AND COSTS - JAMES D. BAILEY, ESQUIRE

I. Services provided to Estate/Trust between January 2, 2008 and May 26, 2009[1]

1. James Bailey - Representation of Estate/Trust, as needed, with general administrative matters and litigation in Probate and Circuit Court, including the following:

Daryl Brown and others, Tommie Rae Brown and others vs. David G. Cannon, Albert H. Dallas and Alfred H. Bradley, (Removal/Appointment/Accounting). Civil Action No. 2007-CP-02-0122. (Portions pending in S.C. Court of Appeals); David G. Cannon, Petitioner, vs. Estate, (Cannon Claim). Civil Action No. 2008-CP-02-1425; Albert H. Dallas vs. Estate, (Dallas Claim). Civil Action No. 2008-CP-02-1426; Alfred A. Bradley, vs. Estate, (Bradley Claim). Civil Action No. 2008-CP-02-1427; Robert L. Buchanan, Jr. and Adele J. Pope as Trustees of the James Brown 2000 Irrevocable Trust and as Personal Representatives of the Estate of James Brown, deceased Plaintiffs vs. Deanna J. Brown Thomas, and others (Declaratory Judgment). Civil Action No. 2007-CP-02-0122; Daryl J. Brown vs. Adele Pope and Others (Will/Trust/ Heirs Matter); Case No. 2008-CP-02-872; Robert L. Buchanan, Jr. and Adele J. Pope as Trustees of the James Brown 2000 Irrevocable Trust and its subtrusts, and as Personal Representatives of the Estate of James Brown, Deceased vs. David G. Cannon, Albert H. Dallas and Alfred A. Bradley, as former Trustees of the James Brown 2000 Irrevocable Trust and its subtrusts and former Personal Representatives of the Estate of James Brown, and William F. Hammond (Interference Suit).Case No. 2008-CP-02- . ; Pullman Group, LLC vs. Estate; Aiken County Case#2007-CP-02-122 [$31 Million Claim Disallowed. See Order dtd. Nov. 13, 2008; Lewis & Babcock, LLP vs. Estate/Trust. Aiken County Case Number 2008-CP-02-1551. [Pending but facts stipulated]; Bobby Bennett a.k.a. Famous Flames vs. Estate. Aiken County Case #2008-CP-02-1558; Phillip G. Farr, CPA, PC vs. Estate. Aiken County Case Number 2008-CP-02-1553; Smith, Massey, Brodie, Thurmond & Guynn, P.A. vs. Estate. Aiken County Case Number 2008-CP-02-1551; Gene Staulcup & Associates, Inc. vs. Estate. Aiken County Case Number 2008-CP-02-1548; Charles A. Bobbit vs. Estate. Aiken County Case Number 2008-CP-02-1556; Hull, Towill, Norman, Barrett & Salley vs. Estate. Aiken County Case Number 2007-ES-02-0056; Intrigue Music Management, Inc. vs. Estate/Trust. Aiken County Case Number 2008-CP-02-1557; Jackson Law Offices, P.C. vs. Estate. Aiken County Case Number 2008-CP-02-1549; Nicole Parris vs. Estate. Aiken County Case Number 2008-CP-02- ; Rodney A. Peeples vs. Estate/Trust. Aiken County Case Number 2008-CP-02-1712; LaRhonda Pettit vs. Estate. Aiken County Case Number; Suggs-Johnson, LLC vs. Estate. Aiken County Case Number 2008-CP-02-1554; Tom Wells vs. Estate/Trust. Aiken County Case Number 2008-CP-02-1552

Legal Fees: January 2, 2008 through May 26, 2009	$	182,676.25
Plus Costs: January 2, 2008 through May 26, 2009	$	4,520.50
TOTAL FEES AND COSTS THROUGH MAY 26, 2009	**$**	**187,196.75**
Legal Fees: May 27, 2009 through July 6, 2009	$	9,397.75
Plus Costs: January 2, 2008 through May 26, 2009	$	240.25
TOTAL FEES AND COSTS AFTER MAY 26, 2009	**$**	**9,638.00**
Amount Paid to Date:	$	(116,605.42)
Amount Due as of July 6, 2009	$	80,229.33
Plus: Estimated participation in Reconsideration, Appeal, and transition of above cases as and when appropriate[2]	$	25,000.00

[1] Hourly Rate for Mr. Bailey is $275.00.

[2] Does not include costs of reconsideration or appeal, which are also sought.

EXHIBIT 12
ATTORNEYS FEES FOR TRESSA T.H. HAYES

Summary of Services provided to Estate/Trust between July 22, 2008 (Representation ltr.) and May 26, 2009

I. **Tressa T.H. Hayes (Shipley & Hayes) - Assistance with appellate issues related to Christies Sale; Appeal of David G. Cannon [See S.C. Ct. of Appeal Opinion No. 4570, Filed June 23, 2009]; Appeal of Alfred A. Bradley and Albert H. Dallas, S.C. Court of Appeals; Interference and Circuit Court Matters touching on Appellate Court Issues**

Legal Fees: July 10, 2008 through May 26, 2009	$	72,187.50
Legal Fees: May 27, 2009 through June 30, 2009	$	9,915.00
Plus Costs: Through June 30, 2009	$	674.23
TOTAL FEES AND COSTS THROUGH JUNE 30, 2009	$	**82,776.73**
Amount Paid	$	(29,580.00)
Amount Due as of July 5, 2009	$	53,196.73
Plus: Estimated participation in Reconsideration, Appeal, and transition of above cases as and when appropriate	$	50,000.00

Ex. B - Commissions
p.15

EXHIBIT 13

212 Newberry Street NW
Aiken, South Carolina 29801

March 10, 2008

The Honorable Henry Dargan MacMaster
Attorney General for the State of South Carolina
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Fax # 803 - 734-3677

BY FAX ONLY

Re: The Estate of James Brown
The James Brown 2000 Irrevocable Trust
Our File No. 8377

Dear Attorney General MacMaster:

We understand that Sonny Jones may be meeting with you this Wednesday, March 12th, to discuss matters related to the Estate/ Trust of James Brown. We respectfully request an opportunity to also meet with you that day (Bob by telephone from Florence) to discuss an immediate opportunity that we may lose if we cannot resolve the position you are taking with respect to our service as Personal Representatives and Trustees (PR/Trustees).

We have an opportunity for what it is hoped will be a 75th Birthday Musical Television Salute to Mr. Brown which could both provide critical funding to help the Estate/Trust survive until the Christie's sale, and help provide some of the funds necessary to vigorously defend the Elective Share, Will and Trust contests. (Mr. Brown's birthday is in early May.)

Unfortunately, after our attorney has done his best, the producers will not accept a contract without our providing both assurances that we have the full authority to enter into a license agreement with respect to the name, likeness, etc., but that we will indemnity them against any challenges to the project based on our lack of authority.

As you know, the former PR/Trustees, as the Court has found, left the Estate and Trust in such bad condition that at this point we cannot with any confidence assert whether the image and persona are owned by the Estate, by the Trust, by a Brown Entity owned by either the Estate or Trust, or in combination.

[There are no funds in the Charitable Trust at this time. Only about $800 has ever been placed in the Charitable Trust (used to apply for Charitable Recognition). And the current challenges make further funding impermissible at this time. Under both the Will and the 2000 Irrevocable Trust, however, the majority of the value of Mr. Brown's assets are expected to go

EXHIBIT 15

Adele J. Pope

From: Sonny Jones [AGSJONES@ag.state.sc.us]

Sent: Tuesday, August 12, 2008 10:51 AM

To: deerlyj@sccourts.org

Cc: J. C. Nicholson; Mary Frances Jowers; Matt Bodman; jdbaileylaw@bellsouth.net; rbuchananjr@bellsouth.net; shahidlo@bellsouth.net; weskirkland@bellsouth.net; davidbell@davidbelllawfirm.com; Carter@eckb.com; William Barr; jmg@jimgriffinlaw.com; William Toal; Lori Christman; louis@levensonlaw.com; Thomas Lydon; Steve Morrison; adele@popelawfirm.com; rnrosen@rosen-lawfirm.com; amedlin@sc.rr.com; Audra Byrd; WByrd@turnerpadget.com; C. Bradley Hutto; d_michel@yahoo.com; robtyoungatty@yahoo.com; Steve Brown

Subject: Fwd: Re: Proposed Email to Judge Early

Dear Judge Early:

We, the Attorney General of South Carolina, and Robert Rosen and Louis Levenson along with our clients are very pleased to announce to the Court that all differences between our clients have been resolved and fully settled in a written agreement which was executed following a mediation all day on Sunday August 10, 2008 on James Brown Boulevard in Augusta, Georgia. The Mediator was Tom Wills.

We believe that most of the issues in contention in the estate and trust matters are resolved by this agreement. There are still some issues that remain outstanding involving persons or attorneys who are not parties to our settlement. As such, we respectfully request that, before the hearing scheduled for Tuesday Aug. 19, 2008 in Aiken, SC, Your Honor please devote some time to a status conference with all counsel to discuss the ramifications of the settlement and how it impacts the future administration of the Estate and the Trust.

Because Louis Levenson had intended to present a proposed consolidated agenda for the hearing on August 19, 2008, and because all parties to the settlement referenced above believe that certain disputes involving non settling parties still remain and require hearings, below is an agreed upon list of issues and motions that can and hopefully will go forward on August 19, 2008:

1. The PR/Trustees' Order Separating claims of Cannon, Dallas and Bradley (Approved by Mr. Byrd).
2. Scheduling hearing on separate Accountings of Dallas and Bradley as PRs and Trustees, and Attorney's fees. Removal/Appointment/Accounting, Case No. 2007-122 (For September, before September 25th please, Estate Tax Return due that day.)
3. Louis Levenson's Motion for Supersedeas and Bond regarding the Appeal by Buddy Dallas and Al Bradley (Evidence of damages will need to be presented.)
4. Remaining evidence and argument on Motion for Contempt as to Buddy Dallas and Al Bradley, filed by Clients of Louis Levenson on March 18, 2008 regarding testimony on March 7, 2008.
5. Rule 59 Motion to Alter or Amend and/or Reconsider Order Approving and Setting Conditions of Interim Payment of Educational Benefits filed by Louis Levenson on July 31, 2008.
6. David Bell/Forlando Brown's Withdrawal of Stipulation (filed on 8-1-08); and
7. David Bell's Motion to be Admitted Pro Hac Vice filed August 7, 2008.
8. Steve Brown's motions regarding M&T Bank.

We request that you stay or defer all other matters until some date after this status conference.

We also request that you let us know in advance if this is acceptable to you.

Thank you.

C. Havird Jones, Jr.
Senior Assistant 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@ag.state.sc.us

EXHIBIT 16

EXHIBIT A

HENRY MCMASTER
ATTORNEY GENERAL

July 30, 2008

Adele J. Pope, Esquire
Robert L. Buchanan, Jr., Esquire
212 Newberry Street NW
Aiken, South Carolina 29801

Re: James Brown Litigation

Dear Mrs. Pope and Mr. Buchanan:

I am writing in response to your letter dated July 25, 2008. I am pleased that we may be able to work together towards our shared goals in connection with the Estate Plan of James Brown. As I mentioned in my last letter, Mr. Brown's Charitable Trust is a wonderful opportunity to further the education of needy children at institutions in South Carolina and Georgia. I hope that we will be able to work together to ensure that scholarships are funded as soon as possible.

While I have no objection to returning to our previous discussions about securing your proper appointment, I have concerns about whether this is possible given your unwillingness to consider the Special Trustee position. On several occasions you have indicated that you do not want to be appointed Special Trustee. I do not believe that you can be properly appointed permanent Trustee if you are not willing to resign and ask to be appointed Special Trustee, which I would support. Once you are appointed Special Trustee, we can ask the Advisory Board for a vote on the Trustee position, as required by Article XIII of the Trust document. If there is not a unanimous vote for you to be Trustee, then we can go to the Probate Court, have the matter removed to the Circuit Court, and have you properly appointed by the Circuit Court.

I am hopeful that as we go through this process, a third Trustee can be put in place along with both of you as required by Article VIII of the Trust. I appreciate your report in connection with my suggestions as to a suitable individual to serve as the third Trustee.

REMBERT C. DENNIS BUILDING · POST OFFICE BOX 11549 · COLUMBIA, S.C. 29211-1549 · TELEPHONE: 803-734-3970 · FACSIMILE: 803-253-6283

If you are willing to work together, I believe we can secure your proper appointment without further litigation, which would give us all more time to devote to the charitable intentions of Mr. Brown.

Yours very truly,

Henry McMaster

HMcM/mfj

EXHIBIT 17

HENRY MCMASTER
ATTORNEY GENERAL

July 7, 2008

VIA E-MAIL
The Honorable Doyet A. Early, III
Resident Judge, Second Judicial Circuit
P. O. Box 90
Bamberg, SC 29003

Re: James Brown Trust
C/A No.: 2008-CP-02-1153

Dear Judge Early:

In connection with the Attorney General's Emergency Petition for Special Trustee(s) and your directive at the hearing last week, I requested proposals from counsel both at the hearing and in an e-mail sent last week as to their recommendations. Based upon the responses provided and his review, the Attorney General offers the following individuals to the Court for consideration as Special Trustee(s) of the James Brown Irrevocable Trust Agreement:

Russell L. Bauknight, C.P.A.
Bauknight Pietras & Stormer, PA
Columbia, South Carolina

Tracey C. Green, Esquire
Willoughby & Hoefer, PA
Columbia, South Carolina

W. Steven Johnson, Esquire
Todd & Johnson, LLP
Columbia, South Carolina

Ex. B - Commissions 9 pages in Original
p.20

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-734-3677

EXHIBIT 18

EXHIBIT

EXHIBIT R

Adele J. Pope

From: Alvin Calvin [themachinegroup@yahoo.com]
Sent: Friday, November 30, 2007 11:52 AM
To: adele@popelawfirm.com
Subject: FYI: Fwd: Fw: JB Project

November 26, 2007

Email: 11/26/07
Cox - Heflin
"JB Project"
Senior Assistant Attorney General reported to be selecting Trustee to work with Cox, Cannon Bradley Dallas, Forlando (William) Brown

Marrion Heflin <mheflin@nevissecurities.com> wrote:

To: themachinegroup@yahoo.com
Subject: Fw: JB Project
From: "Marrion Heflin" <mheflin@nevissecurities.com>
Date: Tue, 27 Nov 2007 20:48:01 +0000

Sorry for the delay. Terry's e-mail is below mine.
-----Original Message-----
To: Terry Bradford Cox
Sent: Nov 26, 2007 6:01 PM
Subject: Re: JB Project

Thanks for the update. Am I still your guy or are you engaging other players to perform my role? I only ask so that I am prepared to deliver, to include involved in the due diligence.

-----Original Message-----
From: Terry Bradford Cox, PhD
To: Marrion Heflin
ReplyTo: Terry Bradford Cox
Sent: Nov 26, 2007 1:25 PM
Subject: RE: JB Project

Marrion
It is tough to say anything when this deal changes every 3 hours. I am not being facetious. In short, Buddy Dallas resign as the trustee last Tuesday with the caveat that the court would look to me going forward. I then was asked to present my ideas in the judges chambers. I am suppose to have a meeting with the new trustees this week ...that is if they stay the trustees. I had a conversation with the Senior Assistant Attorney General of South Carolina this morning. He is preparing a motion to have them removed and told me that he would select a trustee for me to work with. I am to have a meeting with him and the AG from GA by next Monday.

Everything has been so mercurial, it has been difficult to put anything on paper. I believe when things start to happen we will have to be in a position to move very quickly with due diligence and funding. We may have to do everything within 90 days.

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Exhibit F

EXHIBIT B

Chart 1
James Brown's INTENTIONS in his Last Will & Trust (2000)

2/09

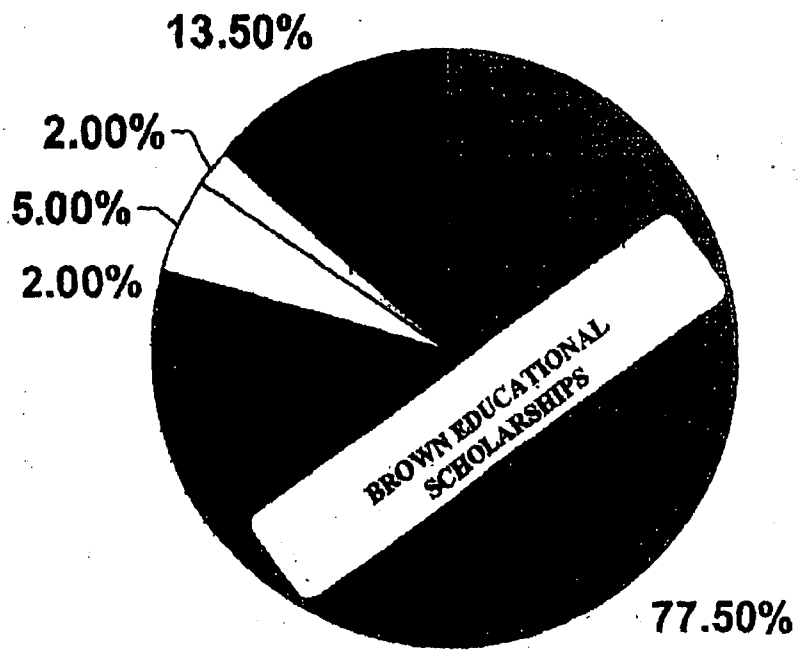


Exhibit A

Adele J. Pope

From: Kraig Fox [Kraig.Fox@CKX.COM]
Sent: Monday, June 15, 2009 2:13 PM
To: Adele Pope
Subject: RE: JAMES BROWN

Yes, you are correct. There is no finder.

Deanne Brown had originally gotten us interested in the assets of the estate. I took it upon myself to reach out to you because we felt that regardless of how the estate gets settled, our company is likely the best suited to maximize value for all parties involved.

I may be down you way visiting with friends the beginning of July. Please let me know if we can get together, if not, NY of course works as well.

Best

Kraig

From: Adele Pope [mailto:adele@popelawfirm.com]
Sent: Friday, June 05, 2009 8:27 AM
To: Kraig Fox
Cc: adele@popelawfirm.com
Subject: Re: JAMES BROWN

Dear Kraig:

Thank you for the note.

A State Circuit Court Order replacing Bob Buchanan and me was entered on May 26. It named as our successor Russell Bauknight. The May 26 Order is under motions for reconsideration, and faces likely appeal after reconsideration. Challenges also remain in the Court of Appeals of South Carolina and elsewhere to our original appointment. That said, Russell, Bob and I have met and I think it is fair to say that all 3 of us want to do learn about and explore everything appropriate to the protection and enhancement of the James Brown Estate/Trust while the challenges are being sorted out.

I have sent your email to Russell and Bob, and advised Russell that I would drop you a note.

Prior to the May 26th Order Bob and I had declared 2009 as the year to conduct due diligence regarding the long-term propspects for the James Brown asset, including whether sale, management or a combination was the best option.

I would very much like to talk to you, and am sure Russell would. My daughter moved to New York last month. So I expect to be there frequently. Any time you would see or talk to me, or us, would be great.

Because it could become an issue, am I correct that our original contact was you with Bob and me as Personal Representative/Trustees, and that there was no other "finder" who put us together?

Thank you again for the contact. Hope to hear from you soon.

Adele Pope
June 5,2009

<-----Original Message----->
From: Kraig Fox [Kraig.Fox@CKX.COM]
Sent: 6/3/2009 4:03:34 PM
To: adele@popelawfirm.com
Subject: Follow Up

Adele

I wanted to follow up on a conversation that we had some time ago regarding the estate of James Brown and CKX's interest in acquiring all or some of the assets and taking over operation of the assets for the interest of all stake holders.

Is this something that you are still involved in?

Many thanks

Kraig Fox

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Kraig G. Fox
Secretary & Executive Vice President, Chief Corp Development Officer
CKX, Inc.

ABOUT KRAIG G. FOX

Kraig G. Fox was appointed Chief Corporate Development Officer, Executive Vice President and Secretary on February 7, 2008. Prior to that, Mr. Fox was Senior Vice President at FXM, Inc. since August 2000. Mr. Fox has served as Senior Vice President of MJX Asset Management, since November 2003, and serves on the management advisory committee of FXM Asset Management. Mr. Fox was a Vice President at SFX Entertainment from December 1998 through August 2000.

PROFESSIONAL BIOGRAPHY

Organization	Position	Status
CKX, Inc.	Secretary & Executive Vice President, Chief Corp Development Officer	Current
Mjx Asset Management LLC	Senior Vice President	Current
CKX, Inc.	Officer	Former
CKX, Inc.	Secretary	Former

**All Executive profile data provided by Dow Jones & Co., Inc.

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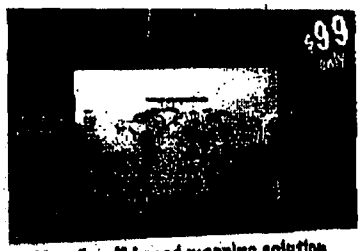
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STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	) SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)
	) Case No.: 08-CP-02-1647
HENRY DARGAN McMASTER, and others	)
	)
Petitioners,	)
v.	) JOINT AFFIDAVIT OF
	) ROBERT L. BUCHANAN, JR.
ALBERT H. DALLAS, ALFRED A. BRADLEY and DAVID G. CANNON, individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; ADELE J. POPE and ROBERT L. BUCHANAN, JR., individually and as (purported) Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust; TERRY BROWN; ROMUNZO BROWN; FORLANDO BROWN; CINNAMON N.M. PARRIS; LARHONDA PETIT, JEANETTE MITCHELL and RUSSELL L. BAUKNIGHT	) AND ADELE J. POPE
Respondents.	)
IN RE: The Estate of James Brown and the James Brown 2000 Irrevocable Trust u/a/d August 1, 2000	)

PERSONALLY APPEARED BEFORE ME, Robert L. Buchanan, Jr. and Adele J. Pope, who being duly sworn depose and say:

1. We are the Personal Representatives of the Estate of James Brown, deceased, and Trustees of the James Brown 2000 Irrevocable Trust dated August 1, 2000 (the "PR/Trustees" of the "Estate/Trust").

2. This affidavit supports, and is subject to, our earlier filings in this case.

3. We received notice yesterday (copy attached as Exhibit A) that Havird "Sonny" Jones is unable to attend the hearing in this case either March 25 or 26.

4. Mr. Jones, purporting to act for the Attorney General, is seeking to enjoin and remove the only persons upholding the Estate Plan of James Brown, and is further attempting to prevent

8. We ask the Court to conduct the entire hearing on the record, but with portions in a closed Courtroom, as we wish to examine Jones and other purported "settling parties", including Forlando and Terry Brown and, and Albert ("Buddy" Dallas and David G. Cannon, with only counsel and parties in the McMaster Case present, about the above matters.

9. Attached to and made a part of this affidavit are our June 13, 2008 letter to the Attorney General (Exhibit B) and his July 30, 2008 letter to us (Exhibit C).

10. We ask that Jones or the Attorney General be ordered to bring the entire file so that the Court can fully explore these serious questions.

11. If the Court does not compel the appearance of all adult Plaintiffs, we respectfully request that all false and scurrilous allegations by them be stricken from the documents on file.

FURTHER DEPONENTS SAYETH NOT.

ROBERT L. BUCHANAN, JR.

SWORN TO before me this
19th day of February, 2009

Pamela W. Wilson (L.S.)
Notary Public for South Carolina
My Commission expires: 04-08-2012

Ex. B - Commissions
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SPECIAL TRUSTEE MY QUESTION IS CAN THEY GO FORWARD?

THE COURT: HERE IS WHAT I AM GOING TO DO. I AM GOING TO DIRECT THE PROBATE COURT TO ACCEPT THE FILING TODAY OF YOUR PETITION. I AM GOING TO SIGN IT REMOVING IT UP UP HERE SO I'LL HAVE JURISDICTION AND -- JUDGE ROE REMOVES IT. WHO SIGNS THE REMOVAL?

THE CLERK: JUDGE ROE.

MRS. POPE: SHE DOES, YOUR HONOR.

THE COURT: I'LL LET JUDGE ROE SIGN THE REMOVAL. I'LL TAKE COPIES HOME WITH ME TODAY -- TODAY IS MONDAY, ISN'T IT -- TO LOOK AT I OVER THE WEEKEND -- OVER THE WEEK -- AND RECEIVE NAMES FROM YOU NEXT WEEK. I AM NOT SAYING WHAT I WILL DO.

MR. JONES: YES, SIR.

THE COURT: I WANT TO LOOK AT THE LAW. IF ANYBODY -- OBVIOUSLY, THEN THEY HAVE 20 DAYS. IF IT COMES UP HERE I GUESS IT'S 30 DAYS. I AM NOT SURE. I AM NOT SAYING I AM GOING TO DO IT. I WILL ALLOW HIM TO PRESENT THE NAMES TO ME. I'LL LOOK AT THE CASE LAW.

MRS. POPE: YOUR HONOR, WE SUGGEST THAT HE BEGIN BY PROPER SERVICE ON THE PARTIES WHO ARE INTERESTED IN THE OUTCOME OF THIS PROCEEDING. HE DIDN'T EVEN NAME THE PARTIES. WE DON'T HAVE A LAWYER. YOUR HONOR, THIS IS -- WE ARE NOT MAKING AN APPEARANCE BY THIS DISCUSSION, YOUR HONOR, BUT THIS IS INTENDED TO CREATE CHAOS AND TO HELP

STATE OF SOUTH CAROLINA COUNTY OF AIKEN HENRY DARGAN McMASTER, in his capacity as Attorney General of the State of South Carolina and Others, Petitioners, v. ALBERT H. DALLAS, ALFRED A. BRADLEY and DAVID G. CANNON, and Others. Respondents. IN RE: The Estate of James Brown and the James Brown 2000 Irrevocable Trust u/a/d August 1, 2000	) IN THE COURT OF COMMON PLEAS) SECOND JUDICIAL CIRCUIT)) Case No.: 08-CP-02-1647)))))) JOINT AFFIDAVIT OF) ROBERT L. BUCHANAN, JR.) AND ADELE J. POPE)))))))

PERSONALLY APPEARED BEFORE ME, ROBERT L. BUCHANAN, JR. AND ADELE J. POPE, who being duly sworn, deposes and says:

1. The original clients of Louis Levenson in James Brown matters are: Daryl, Terry, Larry, Venisha Brown, Deanna B. Thomas, Yamma B. Lumar and Jason B. Lewis and Lindsey Delores Brown (the "Original Levenson Clients").

2. The current attorneys for the Original Levenson clients include Georgia attorneys, Mr. Levenson, Bryan Cave, LLP (formerly "Powell Goldstein"), David B. Bell and Lori Christman.

3. Attached to this affidavit as Exhibit A is a Return[1] we recently filed in Federal Court. We ask the Court to take judicial notice of that entire proceeding.

4. Attached hereto as Exhibit B is an article related to copyright terminations which we

[1] Exhibits not included

Ex. B - Commissions p.29

110 pages in Original

received today from the Estate/Trust's Exempt Organizations attorney, Alan F. Rothschild, Jr., Esquire. It suggests that a successful termination of a copyright grant is a feat "accomplished against all odds."

5. Since the Estate/Trust opposes all terminations of Mr. Brown's copyrights by purported heirs, we continue to believe that the heirs' Federal Copyright Termination Rights are of virtually no current value; that any finding that they are of substantial current value is false or misleading.[2]

6. We are unaware of any Copyright Termination Right Assignments or attempted assignments by any party to the March 26 Agreement.

7. We are informed that:

A. Successor PR/Trustees for the James Brown 2000 Trust can be appointed only by us; or, if we fail to act, by the Advisory Board if then in existence. [See Letter of July 30, 2008, attached as Exhibit C.]

B. Fiduciaries cannot represent the 2000 Trust and the families' interest at the same time. [See February, 2008 interview, attached as Exhibit D.]

8. Estate documents confirm that James Brown reasonably anticipated that the Original Levenson Clients, and others, would sue him. The attached Estate Records confirm media reports that Deanna and Yamma sued Mr. Brown in 2002 for $1 Million.[3]

9. We are informed and believe that Russell Bauknight, who has accepted positions for the family, cannot and should not serve in the following positions:

---

[2] "Heirs" of James Brown who are not parties to the March 26 Agreement may have limited future rights.

[3] Deanna Yamma Publishing Company, Inc. V. James Brown, et al; United States District Court, Civil Action File No. 1:02:-CV-2353-HTW [Exhibit E]

EXHIBIT J

GOLD AND COULSON

ARTHUR S. GOLD

11 South LaSalle Street, Suite 2402, Chicago, IL 60603
Phone 312.372.0777 • Fax 312.372.0778
www.gcjustice.com • asg@gcjustice.com

April 2, 2009

Honorable Henry Dargan McMaster
Attorney General, State of South Carolina.
P.O. Box 11549
Columbia, South Carolina 29211-1549

Robert L. Buchanan, Jr.
212 Newberry Street N.W.
P.O. Box 463
Aiken, S.C. 29802
By e-mail

Adele Pope
Attorney at Law
1218
Taylor Street
Columbia, S.C 29201
By e-mail

RE: ROBERT L. BUCHANAN, JR. and ADELE J. POPE, as Personal Representatives under the Will of James Brown and Trustees of The JAMES BROWN, 2000 Irrevocable Trust and its Subtrusts v. CORBIS CORPORATION,
Case No. 02 L 005872 pending in the Circuit Court of Cook County, Illinois, Law Division

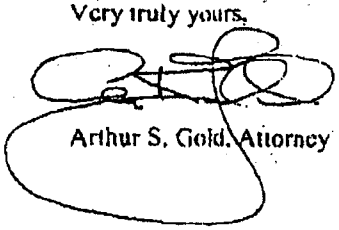
Dear All:

As you know, the above captioned litigation has been pending in the Circuit Court of Cook County, Illinois for 7 years. The representatives of the Estate of James Brown, the Trustees of The JAMES BROWN, 2000 Irrevocable Trust and its Subtrusts and Corbis Corporation have entered into a tentative agreement to settle this case under the terms of a two year license agreement that was previously furnished to you; all subject to approval by the Court of Common Pleas, Second Judicial Circuit, County of Aiken, South Carolina.

I am the attorney for the Plaintiffs in the Illinois litigation and understand that a concern has been raised that finalization of this two year license agreement may interfere with any potential bulk purchase of the assets of the Estate, Trust and Subtrusts. I can assure you that such is not the case. This license agreement would merely become an asset to be transferred along with other assets in a bulk sale. Pending any such bulk sale, the license agreement would be generating revenues that the Illinois litigation claimed were due the Plaintiffs.

I hope I have clarified any questions that have arisen relative to the license agreement. If not, please do not hesitate to contact the undersigned.

Very truly yours,



Arthur S. Gold, Attorney for Plaintiffs

C: Julie Bauer, Attorney for Defendant, by email
ASG:cs

C:\wp5\asg\Brown,ja\Judge Durgan letter.wpd

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Case No.: 08-CP-02-1647

(On removal to Circuit Court from Probate Court 07-ES-02-0056)

HENRY DARGAN McMASTER, in his capacity as Attorney General of the State of South Carolina; DARYL J. BROWN, on behalf of his minor children, LINDSEY DELORES BROWN and JANISE VANISHA BROWN; DEANNA J. BROWN THOMAS, on behalf of her minor children, JASON BROWN LEWIS; YAMMA N. BROWN, on behalf of her minor children, SYDNEY LUMAR, CARRINGTON LUMAR, and TONYA BROWN; VANISHA BROWN; and LARRY BROWN; TOMMIE RAE HYNIE BROWN, JAMES JOSEPH BROWN, II, through his Guardian Ad Litem

Petitioner,

v.

ALBERT H. DALLAS, ALFRED A. BRADLEY and DAVID G. CANNON, individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; ADELE J. POPE and ROBERT L. BUCHANAN, JR., individually and as (purported) Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust; TERRY BROWN; ROMUNZO BROWN; FORLANDO BROWN; CINNAMON N.M. PARRIS; LARHONDA PETIT and JEANETTE MITCHELL

Respondents.

IN RE:
THE ESTATE OF JAMES BROWN AND THE JAMES BROWN 2000 IRREVOCABLE TRUST u/a/d August 1, 2000

MOTION TO DISMISS
ROBERT L. BUCHANAN, JR. AND
ADELE J. POPE AS
INDIVIDUAL PARTIES

FILED 11-14 20 08
Liz Godard
C.C.C.P.&G.S.
Anita Knoepfle
Deputy Clerk

Ex. B - Commissions 24 pages in p.33 Original

YOU WILL PLEASE TAKE NOTICE that Robert L. Buchanan, Jr. and Adele J. Pope, as Personal Representatives of the Estate of James Brown, deceased, and Trustees of the James Brown 2000 Irrevocable Trust (the "PR/Trustees"), through their undersigned counsel, and after the Court rules on (and should deny) the Request of David Cannon for disqualification of Judge Early, will move before the Aiken County Circuit Court, at the Aiken County Courthouse located at 109 Park Avenue S.E., Aiken, South Carolina, at the hearing to be held before the Honorable Doyet A. Early III on November 25, 2008, or as soon thereafter as they may be heard, for an Order dismissing Robert L. Buchanan, Jr. and Adele J. Pope, individually as parties to this action.

The grounds of this motion are:

SUMMARY OF RELIEF REQUESTED BY PR/TRUSTEES' MOTIONS WITH RESPECT TO PLAINTIFFS' PETITION DATED NOVEMBER 7, 2008

This is an attempt[1] by Plaintiff Hynie Brown, Plaintiff Brown II, and Plaintiff Brown Children – Levenson's Group, with the active assistance of Plaintiff McMaster, to grab for themselves most of what James Brown intended to provide for the education of his grandchildren and for the education of needy and deserving students everywhere who wish to be educated in South Carolina or Georgia. As separately stated, it should be dismissed.

This attempt by Plaintiff Hynie Brown, Plaintiff Brown II, and Plaintiff Brown Children – Levenson's Group, with the active assistance of Plaintiff McMaster, to threaten, intimidate and coerce[2] the PR/Trustees, to agree to a settlement (the existence of which is denied) of some

1 The PR/Trustees ask the Court to take judicial notice of all pleadings, filings, exhibits and hearings in Case No. 2007-CP-02-0122 and Case No. 2008-CP-02-0872.

2 See Plaintiff Hynie Brown's attorney's email dated November 5, 2008, at 5:11 pm, as Exhibit A and Plaintiff Brown Children – Levenson's Group's attorney Louis Levenson's statement to the Associated Press attached as Exhibit B.

STATE OF SOUTH CAROLINA COUNTY OF AIKEN HENRY DARGAN McMASTER, in his capacity as Attorney General of the State of South Carolina; and others Petitioners, ALBERT H. DALLAS and others Respondents. IN RE: The Estate of James Brown and the James Brown 2000 Irrevocable Trust u/a/d August 1, 2000	) IN THE COURT OF COMMON PLEAS) SECOND JUDICIAL CIRCUIT))) Case No.: 08-CP-02-1647))) JOINT AFFIDAVIT OF ROBERT L.) BUCHANAN AND ADELE J. POPE) RELATED TO COMMISSIONS AND) EXPENSES)))))

AND

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Robert L. Buchanan, Jr. and Other, Plaintiffs, vs. The Honorable Henry Dargan McMaster, as Attorney General for the State of South Carolina, Defendant. IN RE: The Estate of James Brown and the James Brown 2000 Irrevocable Trust	)))))))))))))))

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT
Case Number: 2009-CP-02-1140

AND

Ex. B - Commissions 17 pages in Original
p.35

THE STATE OF SOUTH CAROLINA
IN THE CIRCUIT COURT FOR THE
SECOND JUDICIAL CIRCUIT

APPEAL FROM AIKEN COUNTY
PROBATE COURT

THE HONORABLE SUE H. ROE,
PROBATE COURT JUDGE

Case No. 09-CP-02-01341

IN THE MATTER OF: James Brown

Robert L. Buchanan, Jr. and Adele J. Pope, as Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust.....
.....Appellants

PERSONALLY APPEARED BEFORE ME, Robert L. Buchanan, Jr. and Adele J. Pope, who being duly sworn, depose and say:

1. This affidavit describes some of the actions we have taken since the hearing held on April 6, 2009 in Case No. 2008-CP-02-1647 ("Case 1647").

2. We reserve all rights and objections to the May 26, 2009 Order[1] and the qualifications, conflicts, and service of Russell Bauknight.

3. On November 20, 2007, we inherited from former Trustees Dallas and Bradley an Estate and Trust in shambles from years of mismanagement and lack of management.

4. We have fully and faithfully performed our duties as PR/Trustees from November 20, 2007 to the present. As the Court found on January 8, 2008, we fully and faithfully performed our

[1] And the Orders/Decrees of the Probate Court in Case 1647 and other cases.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN) SECOND JUDICIAL CIRCUIT
) CASE NUMBER 08-CP-02-1647
)
) (On Removal to Circuit Court from
) Probate Court 07-ES-02-0056)
)
)
HENRY DARGAN McMASTER, in his)
capacity as Attorney General of the State of)
South Carolina,)
)
Petitioner,) **NOTICE OF MOTION AND MOTION TO ADD NECESSARY PARTY AND FOR MANDAMUS/RESTRAINT AS TO THE SOUTH CAROLINA ATTORNEY GENERAL FROM VIOLATING HIS CONSTITUIONAL DUTIES**
)
vs.)
)
ALBERT H. DALLAS, ALFRED A. BRADLEY)
and DAVID G. CANNON, individually and as)
(purported) Trustees of the James Brown)
2000 Irrevocable Trust, DARYL J. BROWN,)
individually and on behalf of his minor)
children, LINDSEY DELORES BROWN and)
JANISE VANISHA BROWN, VANISHA)
BROWN, LARRY BROWN; DEANNA J.)
BROWN, individually and on behalf of her)
minor child, JASON BROWN LEWIS; YAMMA)
N. BROWN, individually and on behalf of her)
minor children, SYDNEY LUMAR and)
CARRINGTON LUMAR and TONYA)
BROWN; TERRY BROWN, ROMUNZO)
BROWN and FORLANDO BROWN, TOMMIE)
RAE HYNIE BROWN, JAMES JOSEPH)
BROWN II, CINNAMON N.M. PARRIS,)
LARHONDA PETTIT and JEANETTE)
MITCHELL,)
)
Respondents.)
)
IN RE:)
THE JAMES BROWN IRREVOCABLE)
TRUST u/a/d August 1, 2000)

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AIKEN COUNTY
CLERK OF COURT

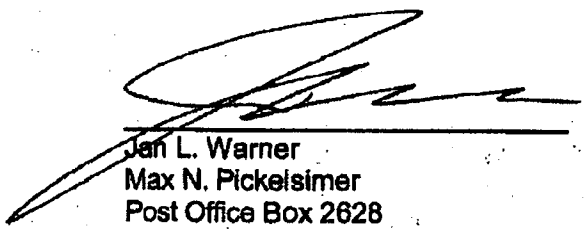
David G. Cannon, Trustee under the James Brown Irrevocable Trust, by and through his undersigned counsel, hereby moves for an order adding and impleading The Attorney General for the State of Georgia as a necessary party hereto pursuant to Rules

19 and 20, SCRCivP, and further moves for an order of Mandamus requiring the South Carolina Attorney General to not violate his Constitutional and fiduciary responsibilities to the beneficiaries of the James Brown Irrevocable Trust and restraining the South Carolina Attorney General from entering into or participating any purported settlement agreement that violates his constitutional and fiduciary responsibilities to the underprivileged and uneducated children of South Carolina and Georgia.

The grounds for this motion are the attached verified return and affidavit of David G. Cannon together with the South Carolina Constitution and such other affidavits and memoranda as may be presented at the hearing of this matter.

WARNER, PAYNE & BLACK, L.L.P.

Columbia, South Carolina
November 24, 2008



Jan L. Warner
Max N. Pickelsimer
Post Office Box 2628
Columbia, South Carolina 29202
Telephone: (803) 799-0554
Facsimile: (803) 799-2517

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	) SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)
	)
	) Case No.: 08-CP-02-1647
HENRY DARGAN McMASTER, in his capacity as Attorney General of the State of South Carolina; DARYL J. BROWN, on behalf of his minor children, LINDSEY DELORES BROWN and JANISE VANISHA BROWN; DEANNA J. BROWN THOMAS, on behalf of her minor children, JASON BROWN LEWIS; YAMMA N. BROWN, on behalf of her minor children, SYDNEY LUMAR, CARRINGTON LUMAR, and TONYA BROWN; VANISHA BROWN; and LARRY BROWN; TOMMIE RAE HYNIE BROWN; JAMES JOSEPH BROWN II, through his Guardian Ad Litem	) (On removal to Circuit Court from Probate Court 07-ES-02-0056)
	) OFFER OF COMPROMISE
Petitioners,	)
v.	)
ALBERT H. DALLAS, ALFRED A. BRADLEY and DAVID G. CANNON, individually and as (purported) Trustees of the James Brown 2000 Irrevocable Trust; ADELE J. POPE and ROBERT L. BUCHANAN, JR., individually and as (purported) Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust; TERRY BROWN; ROMUNZO BROWN; FORLANDO BROWN; CINNAMON N.M. PARRIS; LARHONDA PETIT, JEANETTE MITCHELL and RUSSELL L. BAUKNIGHT	)
Respondents.	)

TO: PLAINTIFFS NAMED ABOVE AND THEIR ATTORNEYS

Pursuant to South Carolina Code §15-35-400, Rule 68 of the South Carolina Rules of Civil Procedure, and all other applicable law, Defendants Robert L. Buchanan, Jr. and Adele J. Pope proffer an Offer of Judgment in the above-referenced matter as set out below:

If, pursuant to said rule and law, the Offer is not timely accepted and the judgment

persons who immediately ratify in writing the 2000 Will and 2000 Trust, as modified by this Order.

9. All assets other than Beech Island and Geronimo, LLC shall, for accounting purposes, be treated as Estate assets unless objected to by the Attorney General of South Carolina, or if a different ownership is clearly established..

10. A 6-months' Right of First Offer with exclusive due diligence period for a potential sale of the bulk of the Estate/Trust Assets shall be granted as soon as reasonable, but within 30 days, with any one or more person(s) procuring a buyer who actually closes entitled to a finder's fee, up to a total of 2%, as agreed by the PR/Trustees or approved by Probate Court.

11. Al parties shall execute such additional documents as are reasonable requested to carry out the terms of ths Order.

AND IT IS SO ORDERED.

Respectfully submitted,

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 Defendants Robert L. Buchanan, Jr. and Adele J. Pope, individually and as Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust

March 31, 2009

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

THE ESTATE OF JAMES BROWN
a/k/a JAMES JOSEPH BROWN

BOOK 1, PAGE 1

1.	4/16/07	PETITION FOR ACCOUNTING
2.	4/16/07	MOTION FOR REMOVAL OF PETITION FOR ACCOUNTING TO CIRCUIT COURT
3.	4/16/07	AFFIDAVIT OF TOMMIE RAE BROWN
4.	4/18/07	AFFIDAVIT OF STEPHEN M. SLOTCHIVER
5.	4/20/07	RETURN TO PETITION FOR GUARDIAN AD LITEM
5A.	4/24/07	MEMORANDUM IN SUPPORT OF PETITIONER'S MOTION TO APPOINT A GUARDIAN *AD LITEM* W/COS TO COURT OF COMMON PLEAS
6.	4/26/07	ORDER FOR REMOVAL TO THE COURT OF COMMON PLEAS
7.	6/25/07	DEMAND FOR NOTICE BY GUARDIAN AD LITEM FOR JAMES. J. BROWN II
8.	6/25/07	ELECTION BY PRETERMITTED CHILD TO CLAIM A SHARE OF ESTATE PURSUANT TO SECTION 62-2-302
9.	6/26/07	OBJECTION TO ESTATE'S REQUEST FOR AN EXTENSION TO FILE INVENTORY AND APPRAISEMENT FROM STEPHEN M. SLOTCHIVER- GUARDIAN AD LITEM
10.	6/27/07	OBJECTION TO ESTATE'S REQUEST FOR AN EXTENSION TO FILE INVENTORY AND APPRAISEMENT BY BROWN CHILDREN W/ COS
11.	6/28/07	AMENDED MOTION TO ACQUIRE AND TEST DNA SAMPLES W/COS

(See above for address)
TERMINATED: 03/27/2012
PRO HAC VICE

Jerry Leo Finney
(See above for address)
TERMINATED: 03/27/2012

Michael Anthony Melonakos
(See above for address)
TERMINATED: 09/12/2013

William Q Bird
(See above for address)
TERMINATED: 09/12/2013
PRO HAC VICE

William Vance Custer
(See above for address)
TERMINATED: 03/27/2012
PRO HAC VICE

William B Shearer , Jr
(See above for address)
TERMINATED: 03/27/2012

Date Filed	#	Docket Text
01/02/2008	1	COMPLAINT against Adele J Pope, Robert L Buchanan, Jr (Filing fee $ 350 receipt number 1309475.), filed by Forlando J Brown. (Attachments: #1 Exhibit 1–Irrevocable Trust Agreement, #2 Exhibit 2–Brief in Support of Motion to Set Aside (07–CP–02–122), #3 Exhibit 3–Objection of SC Atty General to the appointment of special administrators as PR/Trustees (07–CP–02–122), #4 Exhibit 4–Motion of SC &GA Atty Generals to Alter or Amend Judgment and for Reconsideration (07–CP–02–122), #5 Exhibit 5–Motion to Vacate, Amend, and Reconsider Order Accepting Resignations as Trustees and Appointing New Trustees (07–CP–02–122), #6 Exhibit 6– Probate Court, Petition to Set Aside Trust)(gpea,) (Entered: 01/03/2008)
01/02/2008	3	Local Rule 26.01 Answers to Interrogatories by Forlando J Brown.(gpea,) (Entered: 01/03/2008)
01/03/2008	5	Summons Issued (Restricted Access) as to Adele J Pope. (gpea,) (Entered: 01/03/2008)
01/03/2008	6	Summons Issued (Restricted Access) as to Robert L Buchanan, Jr. (gpea,) (Entered: 01/03/2008)
01/07/2008	7	AMENDED COMPLAINT against Adele J Pope, Robert L Buchanan, Jr, filed by Forlando J Brown. (Finney, Jerry) (Entered: 01/07/2008)
01/24/2008	11	SUMMONS Returned Executed by Forlando J Brown. Robert L Buchanan, Jr served on 1/14/2008, answer due 2/4/2008. (Shearer, William) (Attachment(s): #1 Return of Service) (Notice of Filing added on 1/25/2008 (gpea,). (Entered: 01/24/2008)
01/24/2008	12	SUMMONS Returned Executed by Forlando J Brown. Adele J Pope served on 1/14/2008, answer due 2/4/2008. (Shearer, William) (Attachment(s): #1 Return of Service) (Notice of Filing added on 1/25/2008) (gpea,). (Entered: 01/24/2008)
02/04/2008	13	NOTICE of Appearance by Daryl L Williams on behalf of Adele J Pope (Williams, Daryl) (Entered: 02/04/2008)
02/04/2008	14	Local Rule 26.01 Answers to Interrogatories by Adele J Pope.(Williams, Daryl) (Entered: 02/04/2008)

Ex. C - Forlando
p.1

Jan. 2, 2008

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown,	)	
	)	
Plaintiff,	)	Case No._____
	)	
v.	)	
	)	
	)	
Adele J. Pope, individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in	)	
August 1, 2000, and	)	
	)	
Robert L. Buchanan, Jr., individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in	)	
August 1, 2000,	)	
	)	
Defendants.	)	
	)	
_____	)	

COMPLAINT

COMES NOW Plaintiff Forlando J. Brown and hereby files his complaint against Adele J. Pope, individually and as a purported Trustee of an Irrevocable Trust established by James Brown on August 1, 2000 (the Irrevocable Trust"), and Robert L. Buchanan, Jr., individually and as a purported Trustee of the Irrevocable Trust, and for his Complaint, respectfully alleges the following:

Ex. C - Forlando
p.2

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, v. Adele J. Pope, individually and As Trustee of the Irrevocable Trust Established by James Brown in August 1, 2000, and Robert L. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust Established by James Brown in August 1, 2000, Defendants.	)	Case No. 3:08-CV-00014-WOB

STATUS REPORT REQUESTED BY THE COURT

COMES NOW Plaintiff Forlando J. Brown and hereby files this status report of the litigation concerning the Estate of James Brown.

After conducting hearings regarding the proposed settlement agreed to by various beneficiaries of the Estate of James Brown and the James Brown Irrevocable Trust, the Honorable D. A. Early, III of the Circuit Court of Aiken County has requested that the settling parties and the Personal Representatives and Trustees prepare proposed orders regarding whether the settlement agreement should be approved or disapproved. Judge Early has asked that those orders be filed by April 24, 2009. A copy of Judge Early's correspondence requesting these proposed orders is attached hereto at Exhibit A.

This 14th day of April, 2009.

Respectfully submitted,

EXHIBIT D

Excerpts, Orders, Aiken County Case 2008-CP-02-0122 ("Case 122")

Forlando Brown and others, Plaintiffs

(See page 7 (Exhibit A to April 8, 2008 Order) for caption listing parties to Case 122 as of March 7, 2008.)

Note: Plaintiff Forlando Brown did not seek reconsideration of or appeal any of the orders listed below. Asterisk denotes no appeal by any party.

February 19, 2007 [Tr. ex. 1, Tab 4]	Order, Case 122, Forlando Brown and others plaintiffs, after hearing on February 9. No finding of wrongdoing of David G. Cannon, Albert H. Dallas and Alford A. Bradley. Court will appoint Special Administrator ("SA").*
March 7, 2007 [Tr. ex. 1, Tab 5]	Order, Case 122, appoints Buchanan and Pope to nonfiduciary position as SAs.*
June 22, 2007 [Tr. ex. 1, Tab 8]	Order, Case 122, directs Cannon, Dallas and Bradley as PRs/Trustees and in any capacity. . .with respect to Brown Entities, to give to the SAs . . . complete, direct and continuing access to all information, documents and records, in any form, related to James Brown, the Estate of James Brown, the James Brown 2000 Irrevocable [Trust]...and any Brown Entities or interest, however titled."*
August 10, 2007 [Tr. ex. 1, Tab 12]	Order, Case 122, memorializes agreement by which Cannon returned $350,000 of $900,000 misappropriation and resigned. Dallas/Bradley remain as PR/Trustees but may not act in conflict situations.
November 20, 2007 [Tr. ex. 1, Tab 26]	Order, Case 122 allows combining of Funds of Estate/2000 Trust.*
November 20, 2007 [Tr. ex. 1, Tab 25]	Order, Case 122, accepts resignation of Dallas & Bradley as PR/Trustees and in every other capacity with respect to Brown entities (except Geronimo). Buchanan and Pope appointed PR/Trustees upon recommendation of Forlando Brown and others. [Only Dallas/Bradley appeal. Forlando is not party to Dallas/Bradley appeal .]
January 2, 2008	**Forlando Brown files federal suit against Buchanan and Pope.** (Verified on December 31, 2007)
January 8, 2008	Order, Case 122, directs payment of Fees and Costs to Buchanan

EXHIBIT E

HISTORY OF JOINT VENTURE OF FORLANDO AND TERRY BROWN, DAVID G. CANNON AND ALBERT H. DALLAS

These following is a brief chronology of the Cannon/Forlando/Terry join venture, fully supported in the record:

December 25, 2006	James Brown dies.
January 9,2007	Forlando Brown, Deanna Brown, Yamma Lumar and others hire attorney Louis Levenson.
Early 2007	Forlando Brown and others, including Deanna Brown and Yamma Lumar, represented by Louis Levenson, meet in Atlanta with investor Terry Cox to plan takeover of James Brown assets from Estate and 2000 Trust.
January 24, 2007	Forlando Brown and other plaintiffs, through Attorney Levenson, file suit against David G. Cannon, Albert H. Dallas and Alfred A. Bradley (the "Cannon Group") in Aiken County ("Case 122").
February 26, 2007	Forlando Brown fires Attorney Levinson.
March 4, 2007	Forlando Brown hires Attorney David Bell, on the recommendation of Albert H. Dallas.
May 17, 2007	Meeting in Atlanta between Albert H. Dallas, David G. Cannon, William [Forlando] Brown and Terry Cox of the Grahm Windsor Group and others where Terry Cox presents "Creating Wealth for the James Brown Trust." It includes: . . ."Create joint leadership with B. [Albert H.] Dallas and William [Forlando] Brown (Grandson) as the new legitimate spokesperson for the James Brown Legacy. Develop WB brand as true knowledge of JB's beliefs,...." "William [Forlando] Brown will be responsible for: Work with B. [Albert H.] Dallas. . ."
June 15 , 2007	Cox presents proposal to sell Estate/Trust assets. Proposal says "[a]s part of the sales agreement, the Trustees [Cannon, Dallas and Bradley] want options or a 'kickback'(emphasis added)"
July 17, 2007	Buchanan and Pope discover Cannon's misappropriation of $900,000.00,

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert J. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	)	Civil Action No.: 3:08-cv-00014–WOB

COUNTERCLAIMS OF ROBERT L. BUCHANAN, JR. AND ADELE J. POPE, INDIVIDUALLY

Defendants Adele J. Pope and Robert L. Buchanan, Jr., individually, by way of Counterclaims against the Plaintiff, would respectfully allege as follows:

Background Facts

1. Music icon James Brown died on Christmas day 2006. Brown had established an estate plan in 2000. The trustees of Brown's 2000 irrevocable Trust and the Personal Representatives under his 2000 Will were David Cannon, Albert Dallas and Alfred Bradley (the "Cannon Group").

Ex. C - Forlando
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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AT COLUMBIA
CIVIL ACTION NO. 3:08-14

FORLANDO J. BROWN **PLAINTIFF**

v.

ADELE J. POPE, et al. **DEFENDANTS**

ORDER

Pending is plaintiff's motion for the Court to take judicial notice. Doc. 256. Plaintiff asks the Court to take judicial notice of the Supreme Court of South Carolina's recent opinion and revised opinion in litigation involving the Estate of James Brown. Defendants do not oppose the motion.

Accordingly, good cause having been shown;

IT IS ORDERED:

The motion for the Court to take judicial notice [Doc. 256] of the February 27, 2013 opinion, and May 8, 2013 revised opinion, of the Supreme Court of South Carolina in litigation involving the Estate of James Brown is **granted as unopposed.**

This the 28th day of May, 2013.

s/ J. Gregory Wehrman
J. Gregory Wehrman
United States Magistrate Judge

G:\Larry\Memos & Misc\Pro Hac Matters Starting 8-29-12\James Brown Case\08-cv-14, grant m take judicial notice s.ct.s.car. opinions.wpd

Ex. C - Forlando
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert L. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	Civil Action No. 3:08-cv-00014-WOB-JGW **RESPONSE TO PLAINTIFF'S MOTION TO REALIGN AND RENAME PARTIES BY DEFENDANT ROBERT L. BUCHANAN, JR., INDIVIDUALLY**

Defendant Robert L. Buchanan, Jr., in his individual capacity, responding to Plaintiff's Motion To Realign And Rename Parties, hereby joins in and restates the legal arguments raised by Defendant Pope opposing the Plaintiff's request to realign and rename the parties set forth in **Memorandum of Defendant Adele J. Pope, individually In Opposition to Plaintiff's Motion to Realign Parties And Dismiss the Irrevocable Trust as a Party** (ECF No. 260). Accordingly, Plaintiff's Motion to Realign And Rename Parties should be denied.

[Signature page follows]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William F. J. Brown, Plaintiff, v. Adele J. Pope, individually and as Trustee of the Irrevocable Trust established by James Brown on August 1, 2000, and Robert J. Buchanan, Jr., individually and as Trustee of the Irrevocable Trust established by James Brown on August 1, 2000, Defendants.	)	CIVIL ACTION FILE NO. 3:08-cv-00014

PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE OPPOSING PLAINTIFF'S MOTION TO REALIGN PARTIES AND DISMISS THE IRREVOCABLE TRUST AS A PARTY[1].

Defendants' Response fails to grasp the point of Plaintiff's original Motion and unnecessarily expands their brief to continue the unsubstantiated conspirative narrative that Defendants have clogged both state and federal courts with for now nearly seven years. Plaintiff's motion was a motion to realign the parties and to rename them as made appropriate by the South Carolina Supreme Court's removal of Defendants as fiduciaries to the James Brown Trust – a trust that Ms. Pope and Mr. Buchanan no longer are entrusted to protect by judicial decree of the highest court of a state. The Defendants have responded by opposing the "dismissal

[1] While it is Mr. Brown's position the Trust no longer belongs in this matter, it is important to note that Plaintiff has not yet asked the Trust to be dismissed as a party despite David Black's letter of May 18, 2012, disclaiming any claim the Trust may have against Mr. Brown. However, and without explanation, Ms. Pope and Mr. Buchanan continue to seek refuge behind the name of a trust that they have been found to have defalcated and because of such defalcation, been removed as fiduciaries. Ms. Pope and Mr. Buchanan have no right to assert claims on behalf of the Trust, have no right to speak on behalf of the Trust, and have no right to claim they are attempting to protect the Trust – the South Carolina Supreme Court made it clear that this is no longer their position.

discovery is had. 4 JAMES W. MOORE, ET AL., MOORE'S FEDERAL PRACTICE ¶ 26.75 (2nd ed. 1993). The allegations of a particularized harm are usually in the form of a motion or affidavit, either for a protective order, a return to a motion to compel production, or a response to a challenge of confidential designation. Once the party seeking the protective order has met its burden of showing good cause by alleging a particularized harm, the party seeking the discovery must then come forward and show that the information sought "is both relevant and necessary to the case. When both parties meet their burden of proof, the court must weigh the opposing factors." *Id.* at 26-402.

ANALYSIS

I. Phillpott, Ball, and Werner's Date of Death Valuation of the James Brown Estate

The Professional Valuation Report is a confidential financial compilation of the entire James Brown Estate[3] as it existed on James Brown's date of death. The Professional Valuation Report is protected from unauthorized disclosure pursuant to several state court confidentiality orders covering Estate records. Ironically, it was Ms. Pope that first requested that the Estate's business records be protected pursuant to confidentiality orders (*See* **Exhibit 1**, one of the many Estate Confidentiality Agreements signed and notarized by Ms. Pope, as well as her November 14, 2008 Motion designating ALL Estate records confidential). Ms. Pope should be estopped from now taking a contrary position in this litigation.

The Valuation Report should remain confidential as it contains:

[3] Phillpott, Ball, and Werner's valuation report incorporates analysis and findings from their review of more than one-hundred estate files, including materials and documents that are subject to separate confidentiality orders. Of particular importance, Ms. Pope has argued in this action that those documents contain "*attorney client, work product privileged documents, as well as commercially sensitive trade secret documents.*" [Dkt. 67, Dkt 69 at p. 2]. Allowing Ms. Pope to now take a contrary position places those documents at risk as several commercially sensitive trade secret documents are incorporated into the Professional Valuation Report.

Ex. C - Forlando
p.39

Estate would be harmed in its business dealings and negotiating positions if the details of its present and future business deals became a matter of public record.

II. Sweeney Wingate and Barrow's Engagement Letter with the Estate

As the South Carolina Supreme Court's May 8, 2013 decision references, the Estate is also involved in litigation with Ms. Pope concerning the damage she caused to the Estate during her relatively short tenure. In May of 2010, the Estate and Trust instituted civil litigation against Ms. Pope in the Richland County Court of Common Pleas; the litigation seeks to recover damages inflicted upon the Estate and Trust as a result of Ms. Pope's breaches of her fiduciary duties during her time as the PR/Trustee of the James Brown Estate and Trust (case 2010-CP-40-4900). The Estate and Trust has retained the law firm of Sweeney Wingate and Barrow, PA, to pursue the litigation against Ms. Pope in the Richland County Court of Common Pleas state court action. Ms. Pope has sought Sweeney Wingate and Barrow's Engagement Letter with the Estate and Trust in that litigation. Ms. Pope also requested the Engagement Letter through several FOIA actions.

On August 9, 2011, the Estate and Trust objected to Ms. Pope's request by filing a protective order with the circuit court (*see* **Exhibit 3**, Sweeny Wingate Motion for Protective Order). That motion is currently under advisement. It is clear Ms. Pope is looking for unrelated fee-splitting retention agreements between counsel for the parties to the now vacated settlement agreement. The private fee agreement is protected from production by the attorney-client privilege and as such, should remain confidential until such time that the circuit court addresses Sweeny Wingate's motion for protective order. *Chaudhry v. Gallerizzo*, 174 F.3d 394, 402 (4th Cir. 1999). Allowing disclosure of the Estate and Trust's Engagement Letter with private

Ex. C - Forlando
p.40

counsel in an unrelated action could damage the Estate and Trust by mooting its privilege objections in the unrelated circuit court actions. *See* **Exhibit 1**, at ¶¶ 19-33.

CONCLUSION

The James Brown Estate and Trust has met its burden of showing good cause by alleging particularized harm through Mr. Bauknight's September 10, 2013 Affidavit (Exhibit 2). Accordingly, the Estate and Trust requests that the Professional Valuation and Engagement Letter with private counsel in the unrelated action be afforded proper protection pursuant to this Court's August 6, 2008 Protective and Confidentiality Order. In the alternative, due to the potential irreparable injury that such public disclosure could cause the Estate and Trust, pursuant to FRCP, Rule 65, the Estate and Trust also moves for injunctive relief prohibiting Ms. Pope, or any other party, from disclosing or otherwise publicly disseminating the Estate and Trust's Professional Valuation and Engagement letter with private counsel outside of this litigation.

Respectfully submitted,

s/ J. David Black

J. David Black, Fed Id No. 7746
Fred L. Kingsmore, Jr., Fed Id No. 2351
Burl F. Williams, Fed Id No. 10556
NEXSEN PRUET, LLC
Post Office Drawer 2426
Columbia, South Carolina 29202
(803) 771-8900
FKingsmore@nexsenpruet.com
DBlack@nexsenpruet.com
BWilliams@nexsenpruet.com
Russell L. Bauknight, Special Trustee of the
James Brown 2000 Irrevocable Trust Agreement

September 11, 2013

Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William F.J. Brown, f/k/a Forlando J. Brown, Plaintiff, vs. Adele J. Pope, Individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert L. Buchanan, Individually and As Trustee Of the Irrevocable Trust Established by James Brown in August 1, 2000 Defendants.	CASE NO. 3:08-CV-00014-WOB-JGW

Deposition of

ADELE POPE, taken on behalf of the Plaintiff, pursuant to the stipulations agreed to herein, before Shannon Eubanks, Court Reporter and Notary Public, at 1310 Gadsden Street, Columbia, South Carolina, on the 12th day of September, 2013, commencing at the hour of 10:30 a.m.

Ex. C - Forlando p.44

IN THE UNITED STATES DISTRICT COURT IN THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William F.J. Brown, f/k/a Forlando J. Brown, Plaintiff, vs. Adele J. Pope, Individually and As Trustee of the Irrevocable Trust Established by James Brown in August 1, 2000, and Robert L. Buchanan, Individually and As Trustee of the Irrevocable Trust Established by James Brown in August 1, 2000 Defendants.	CASE NO. 3.08-CV-00014-WOB-JGW

Deposition of

Robert Buchanan, taken on behalf of the Plaintiff, Pursuant to the stipulations agreed to herein, before Shannon Eubanks, Court Reporter and Notary Public, at 1310 Gadsden Street, Columbia, South Carolina, on the 13th day of September, 2013, commencing at the hour of 10:30 a.m.

Ex. C - Forlando
p.45

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown,	)	
	)	
Plaintiff,	)	Case No. 3:08-cv-00014-WOB-JGW
	)	
v.	)	
	)	
Adele J. Pope, individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in	)	
August 1, 2000, and	)	
	)	
Robert L. Buchanan, individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in	)	
August 1, 2000,	)	
	)	
Defendants.	)	

NOTICE OF FILING EXHIBITS

Pursuant to Civil Rule 5.01 of the United States District Court, District of South Carolina, for use in Plaintiff's Motion for Summary Judgment, Plaintiff files the following:

1. Defendant Adele J. Pope, Individually's Answers to Plaintiff's Continuing Interrogatories, Request for Production of Documents and Requests to Admit dated September 4, 2013, attached as Exhibit "A".

This 11th day of October, 2013.

/s/ Matt Bodman
Matt Bodman
Attorney for Plaintiff
SC Federal Bar # 9116

Ex. C - Forlando
p.46

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert J. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	Civil Action No.: 3:08-cv-00014-WOB

DEFENDANT ADELE J. POPE, INDIVIDUALLY'S ANSWERS TO PLAINTIFF'S CONTINUING INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUESTS TO ADMIT

ANSWERS TO INTERROGATORIES

Defendant Adele J. Pope answers Plaintiff's Interrogatories as follows, subject to her objections:

GENERAL OBJECTION: Plaintiff has previously served, and this Defendant has previously responded to – 22 Interrogatories in this matter. Pursuant to FRCP 33(a)(1), Plaintiff may only issue 25 Interrogatories in this action without leave of the Court. Nonetheless, this Defendant has responded in good faith below to the Interrogatories beyond those allowed.

GENERAL RESPONSE TO ALL INTERROGATORIES: This Defendant incorporates all previous Interrogatory Answers in this action by reference.

INTERROGATORY #1

Please state your full name, present residential address and telephone number, date of birth, social security number and the name of your spouse and children, if any, and the names of all residents of your household:

Adele J. Pope ("Adele")

Ex. C - Forlando
p.47

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Forlando J. Brown,	)	
	)	
Plaintiff,	)	Case No. 3:08-cv-00014-WOB-JGW
	)	
v.	)	
	)	
Adele J. Pope, individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in	)	
August 1, 2000, and	)	
	)	
Robert L. Buchanan, individually and	)	
As Trustee of the Irrevocable Trust	)	
established by James Brown in	)	
August 1, 2000,	)	
	)	
Defendants.	)	

PLAINTIFF'S RESPONSE TO DEFENDANT ADELE J. POPE'S RENEWED MOTION FOR SUMMARY JUDGMENT

NOW COMES Plaintiff Forlando Brown and pursuant to Rule 56 of the Federal Rules of Civil Procedure files this Response to the Renewed Motion for Summary Judgment on Amended Counterclaims filed by Defendant Adele J. Pope. (Doc. No. 307)

SUMMARY

Plaintiff Forlando Brown brought this action against Defendants Adele J. Pope and Robert L. Buchanan seeking removal of Defendants as Personal Representatives and Trustees ("PR/Trustees") for the Estate and Irrevocable Trust of Plaintiff's grandfather, James Brown. (Doc. No. 1; Doc. No. 305 Ex. 1, 4/10/13 Forlando Brown Dep. 84:15-17) The suit sought removal of Pope and Buchanan as PR/Trustees because their appointment was not consistent

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert J. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	)	Civil Action No.: 3:08-cv-00014-WOB-JGW

MOTION OF DEFENDANT ADELE J. POPE TO ALTER, AMEND AND/OR RECONSIDER THE MEMORANDUM OPINION AND ORDER OF THE HONORABLE WILLIAM O. BERTELSMAN, ENTERED MARCH 28, 2014

Defendant Adele J. Pope, Individually hereby moves this Court, pursuant to Rule 59(e), *Federal Rules of Civil Procedure*, to alter, amend, vacate and/or reconsider its March 28, 2014 Memorandum Opinion and Order, which granted summary judgment to Plaintiff on all counterclaims herein. Defendant seeks the reversal of the grant of summary judgment to the Plaintiff on the Defendants' counterclaims and either the grant of summary judgment to the Defendants on those counterclaims or a trial. The Motion is based on the entire record in this matter, along with the applicable case law and *Federal Rules of Civil Procedure*. The grounds for this motion are more particularly set forth in the attached Memorandum in Support. As set forth in that motion, those grounds include, but are not limited to:

Ex. C - Forlando
p.49

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert J. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	)	Civil Action No.: 3:08-cv-00014-WOB-JGW

MEMORANDUM IN SUPPORT OF DEFENDANT ADELE J. POPE'S MOTION TO ALTER, AMEND AND/OR RECONSIDER THE MEMORANDUM OPINION AND ORDER OF THE HONORABLE WILLIAM O. BERTELSMAN, ENTERED MARCH 28, 2014

Defendant Adele J. Pope, Individually has moved this Court, pursuant to Rule 59(e), *Federal Rules of Civil Procedure*, to alter, amend, vacate and/or reconsider its March 28, 2014 Memorandum Opinion and Order, which granted summary judgment to Plaintiff on all counterclaims herein. She submits this Memorandum in support of that motion. The Motion is based on the entire record in this matter, along with the applicable case law and *Federal Rules of Civil Procedure*.

Procedural Status

This case was initially commenced by Plaintiff Forlando J. Brown (now known as William James Brown) on January 2, 2008. Defendants counterclaimed for attorneys' fees and other relief

Ex. C - Forlando p.50

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert J. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	)	Civil Action No.: 3:08-cv-00014-WOB-JGW

MEMORANDUM IN SUPPORT OF DEFENDANT ADELE J. POPE'S MOTION TO CERTIFY QUESTIONS OF LAW TO THE SUPREME COURT OF SOUTH CAROLINA

Defendant Adele J. Pope has moved for an Order certifying one or more questions of law by this Court to the Supreme Court of South Carolina pursuant to Rule 244 of the *South Carolina Rules of Appellate Procedure*. The subject matter of such proposed certified questions relates to the applicability of *S.C. Code Ann.* §62-7-1004 (1976 as amended) to the facts of this case.

The statute involved is only a few years old, and there is a dearth of case law interpreting it. This Court's dismissal of Pope and Buchanan's claims under this fee shifting statute is, therefore, not based on any reported decisions from this State's appellate courts. Given this Court's findings in its Order of March 28, 2014 regarding the lack of any grounds for the initiation of this action, it would seem appropriate to ask the State's highest court its opinion of whether "justice and equity" authorize an award, of whether this case involved the

Ex. C - Forlando p.51

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William F. James Brown f/k/a Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert L. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	Civil Action No. 3:08-cv-00014-WOB-JGW **MOTION OF DEFENDANT ROBERT L. BUCHANAN, JR., INDIVIDUALLY TO ALTER, AMEND AND/OR RECONSIDER THE MEMORANDUM OPINION AND ORDER OF THE HONORABLE WILLIAM O. BERTELSMAN, ENTERED MARCH 28, 2014**

Pursuant to Fed. R. Civ. P. 54(b), 59(e) and 60, Defendant Robert L. Buchanan, Jr., Individually, hereby moves this Court to reconsider its Memorandum Opinion and Order dated March 28, 2014. The basis of this Motion is more specifically set forth in the attached Memorandum in Support as well as the pleadings, exhibits attached to the Memorandum, and the record in this matter. Adele J. Pope, in her individual capacity, has also moved for reconsideration by separate Motion (ECF No. 346). To the extent Pope's Memorandum seeks relief against Forlando Brown, Defendant Buchanan references and incorporates Pope's Motion and is entitled to reconsideration for the identical reasons.

[Signature page follows]

Ex. C - Forlando
p.52

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William F. James Brown f/k/a Forlando J. Brown, Plaintiff, vs. Adele J. Pope, individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, and Robert L. Buchanan, Jr., individually and As Trustee of the Irrevocable Trust established by James Brown in August 1, 2000, Defendants.	)	Civil Action No. 3:08-cv-00014-WOB-JGW **MEMORANDUM IN SUPPORT OF MOTION OF DEFENDANT ROBERT L. BUCHANAN, JR., INDIVIDUALLY TO ALTER, AMEND AND/OR RECONSIDER THE MEMORANDUM OPINION AND ORDER OF THE HONORABLE WILLIAM O. BERTELSMAN, ENTERED MARCH 28, 2014**

Pursuant to Fed. R. Civ. P. 54(b), 59(e) and 60, Defendant Robert L. Buchanan, Jr., Individually, has moved this Court to reconsider its Memorandum Opinion and Order dated March 28, 2014 (ECF No. 344), which granted summary judgment to Plaintiff on all counterclaims. Adele J. Pope, in her individual capacity, has also moved for reconsideration by separate Motion (ECF No. 346). To the extent Pope's Memorandum seeks relief against Forlando Brown, Defendant Buchanan references and incorporates Pope's Motion and is entitled to reconsideration for the identical reasons.

In addition and specifically as a supplement, undersigned counsel hereby files this Memorandum in Support of Defendant Buchanan's Motion for Reconsideration in his individual capacity on the specific issue of Buchanan's counterclaim for abuse of process. For the reasons set forth below and in Pope's Motion for Reconsideration, this Motion should also be granted for all counterclaims and specifically Buchanan's counterclaim for abuse of process.

Ex. C - Forlando
p.53

THE JAMES BROWN LEGACY, INC.
683 GREENVIEW AVENUE, NE, ATLANTA, GEORGIA 30305

March 27, 2008

Ms. Adele J. Pope
1218 Taylor Street
PO Drawer 7125
Columbia, SC 29202
Adele @popelawfirm.com

Mr. Robert L. Buchanan, Jr.
212 Newberry Street NW
P.O. Box 463
Aiken, SC 29802-0463
rbuchananjr@bellsouth.net

EXHIBIT
Defendant 9
9-27-08

Dear Ms. Pope and Mr. Buchanan:

We are pleased to submit this letter of intent on behalf of The James Brown Legacy, Inc. (hereinafter "TJBL") expressing our intent to purchase all of the irrevocable trust established by Mr. James Brown dated August 1, 2000 (the "Trust"), in its entirety, including, without limitation, James Brown Enterprises, Inc that is owned by the Trust. All of these assets will be collectively referred to as the "Assets."

Our intent is to purchase all of the Assets because we believe that to obtain maximum value for the Assets so that the legacy of James Brown and his noble wishes as setout in the Trust can be fulfilled, the Assets must be sold as a unit instead of breaking up the items and liquidating them piecemeal. As you surely know, merely selling the items individually will do nothing to perpetuate the good works of James Brown.

The purchase price for the Assets will be between $90,000,000 and $100,000,000 plus a continuing payment equal to five percent of the gross profits that we generate from licensing those Assets that can be licensed, all depending on the outcome of our due diligence described below. The purchase price assumes clear title to the Assets and that the sale will be on a debt-free and lien free basis. The purchase price will be all cash, paid at closing and financed by a private funding group that is our partner.

Our intent, upon receiving your agreement to this letter of intent, will be to conduct an in depth due diligence of the Assets and simultaneously develop a strategic plan and infrastructure that will build and promote the legacy of James Brown. We intend to work and partner with government agencies and educational institutions to turn James Brown's home into an experiential setting commiserate with the stated intentions of the I Feel Good Trust. We also envision plans that will include the establishment of the James Brown Museum. The purpose of this museum will be to tell the story of how James Brown persevered against all odds: a true "Horatio Alger" story. We will also work and partner with other interested parties within the strategic plan to maximize the brand equity and performance of the Assets

ROSEN LAW FIRM, LLC
ATTORNEYS AND COUNSELORS AT LAW

134 MEETING STREET, SUITE 202
P.O. BOX 1510
CHARLESTON, SOUTH CAROLINA 29401
PHONE (843) 577-1700
FAX (843) 577-1709
WWW.ROSEN-LAWFIRM.COM

June 3, 2004

Aiken County Family Court
Attn: Clerk of Court
POB 3047
Aiken, South Carolina, 29802

RE: Brown v. Brown

Dear Clerk of Court:

Enclosed you will find an original and three copies of a Notice of Motion and Motion for Temporary Relief and $25 filing fee in the above-referenced matter.

As Mr. Rosen's schedule is extremely hectic, we would appreciate your assistance in contacting our office prior to scheduling.

Should you have any questions or concerns, please feel free to contact our office at 1-843-377-1700.

Sincerely,

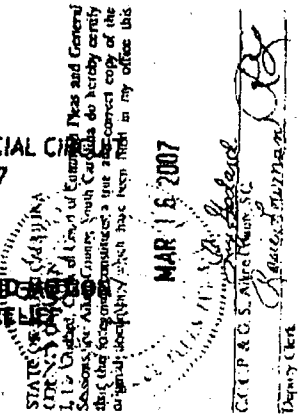
Marcia F. Jones
Paralegal to Robert N. Rosen

:mfj
xc: James B. Huff, via regular mail & fax 1-803-442-4422
Don Clark, Esq., via fax 720-4566
Mrs. Tommie Rae Brown

FILED 6.6.04 2:00
Deputy Clerk

Hynie- Exhibit D, p. 1

STATE OF SOUTH CAROLINA	)	IN THE FAMILY COURT
	)	FOR THE SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	CASE NO.: 04-DR-02-157
JAMES JOE BROWN, JR., Plaintiff,	)	
vs.	)	NOTICE OF MOTION AND MOTION FOR TEMPORARY RELIEF
TOMMIE RAY HYNE AHMED BROWN, Defendant.	)	



YOU WILL PLEASE TAKE NOTICE that the Defendant, by her undersigned attorneys, will move before the presiding Judge of the Family Court for the Second Judicial Circuit, at the Aiken County Family Court, 109 Park Avenue, Aiken, South Carolina, on the 22nd day of day of July, 2004, at 11:30 A.m., in Courtroom #1 or as soon thereafter as Court can be heard, for an Order granting to the Defendant the following temporary relief:

1. Granting the Defendant the right to live separate and apart from the Plaintiff;

2. Requiring Plaintiff to pay to Defendant alimony and/or spousal support;

3. Granting the Defendant sole custody of the minor child, James Joseph Brown, II, with visitation granted to the Plaintiff;

4. Awarding the Defendant child support to be paid by the Plaintiff pursuant to the child support guidelines, including retroactive child support;

5. Requiring the Plaintiff to be solely responsible for any and all costs and expenses associated with the minor child including, but not limited to, school tuition, fees, costs, books, supplies, clothes, school expenses, extra-curricular expenses, allowances, camps and the like;

6. Requiring the Plaintiff to maintain all life insurance policy(ies) on his life for the benefit of the Defendant and the parties' minor child which were in force prior to the parties' separation, and requiring Plaintiff to timely pay all premiums and name Defendant as the beneficiary of said policy(ies) in the amount he was insured prior to the separation; or, in the alternative, to provide $1,000,000 in life insurance on his life for the benefit of the Defendant and the minor child;

FILED
AIKEN COUNTY
JUN - 8 2004
8:30am
CLERK OF COURT

Hynie - Exhibit D, p. 2

of the child, or within earshot of the child; from disparaging or denigrating the child; and from allowing other persons from doing any of these acts in the presence of or within earshot of the child;

16. Restraining and enjoining the Plaintiff from harassing, abusing, threatening, molesting or interfering with the Defendant, her family, friends or witnesses in any way, and from disrupting, entering or attempting to enter her property, residence or place of business;

17. Awarding Defendant attorney's fees, costs, expert's fees, investigator's fees and costs from Plaintiff in the amount of $100,000; and

18. For an Order of discovery pursuant to the South Carolina Rules of Civil Procedure.

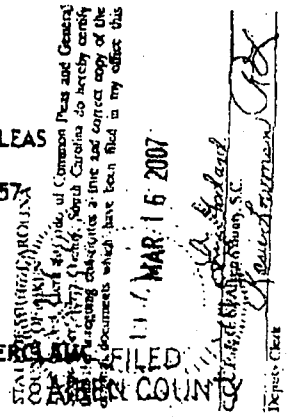
ROSEN LAW FIRM , LLC

Robert N. Rosen
134 Meeting Street, Suite 202
Charleston, SC 29401
843-377-1700

DONALD B. CLARK, LLC
Donald B. Clark
49 Immigration Street, Suite 204
Charleston, SC 29403
843-720-8866

June 6, 2004
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	CASE NO.: 04-DR-02-157
JAMES JOE BROWN, JR., Plaintiff,	)	
vs.	)	ANSWER AND COUNTERCLAIM
TOMMIE RAY HYNE AHMED BROWN, Defendant.	)	



Defendant Tommie Rae Hynie Brown, incorrectly identified in the caption herein as Tommie Ray Hyne Ahmed Brown, answering the Plaintiff's Amended Complaint For Annulment, alleges and states as follows:

1. Defendant denies each and every allegation of the Amended Complaint not specifically admitted, modified or explained herein and demands strict proof thereof.

2. Defendant admits the allegations of paragraphs 1 and 2.

3. Defendant admits the allegations of paragraph 3 to the extent that she did not inform the Plaintiff that she had previously been married, but states affirmatively that she believed her previous marriage to Javed Ahmed had been annulled.

4. Defendant admits the allegations of paragraph 4.

5. Defendant denies the allegations of paragraph 5 and states affirmatively that the marriage to Javed Ahmed has been judicially declared to be void *ab initio* and consequently never existed and that such determination is *res judicata* and cannot be challenged by the Plaintiff in the present proceeding.

6. Defendant admits that the Plaintiff may have concluded that Defendant was and is married to Javed Ahmed but the Plaintiff's legal conclusions are in error and are denied.

7. Defendant admits the allegations of paragraph 7.

STATE OF SOUTH CAROLINA	)	IN THE FAMILY COURT
	)	
COUNTY OF AIKEN	)	SECOND JUDICIAL CIRCUIT
	)	
JAMES JOE BROWN, JR., Plaintiff	)	CASE NUMBER: 04-DR-02-[illegible]
	)	
vs.	)	
	)	
	)	**REPLY TO COUNTERCLAIM**
TOMMIE RAE HYNE AHMED BROWN, Defendant.	)	
	)	

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, [illegible], Clerk of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing is a true and correct copy of the original documents which have been filed in my office this
MAR 16 2007
Deputy Clerk

The Plaintiff, in replying to the Counterclaim of the Defendant, would show as follows:

1. Plaintiff denies each and every allegation as set forth in Defendant's Counterclaim unless hereinafter specifically admitted or explained and realleges the allegations of the Complaint as set out herein verbatim.

2. Plaintiff admits paragraph 11 and 21 of the Counterclaim.

3. Plaintiff denies paragraph 12 of the Counterclaim and re-alleges paragraphs 2 through 6 of Plaintiff's Amended Complaint as if set forth herein. Plaintiff is informed and believes that due the fact that Defendant was still married to another person at the time the parties obtained a marriage license that the court should determine the parties parentage by providing that the parties conduct genetic testing in this matter.

4. Plaintiff has insufficient information to admit all of paragraph 13 of Defendant's counterclaim but admits so much as states the Defendant was married to Javed Ahmed prior to the marriage ceremony to Plaintiff. Also, that Defendant remained legally married to this man at the time she entered into a marriage ceremony with Plaintiff. Further, that after Plaintiff commenced his present [illegible] action from

FILED
AIKEN COUNTY
JUL 06 2007
12:[illegible]
CLERK OF COURT

from the Charleston County Family Court.

5. Plaintiff admits so much of paragraph 14 of the Counterclaim that states Defendant dialed "911" on January 28, 2004 and that Plaintiff was arrested on that day. Plaintiff denies the remainder of the paragraph.

6. Plaintiff denies paragraphs 15,16,17,18,20,22 through 40 and 42 of the Counterclaim.

7. Plaintiff admits so much of paragraph 19 of the Counterclaim that states Plaintiff has paid monies to Cleo Douglas in the past.

8. Plaintiff admits so much of paragraph 41 of the Counterclaim that states a restraining order should be issued but alleges that if issued that the court should provide that it be mutually binding on both parties.

9. Plaintiff admits so much of paragraph 43 of the Counterclaim that the parties would be allowed discovery which the court would deem appropriate and un-abusive.

WHEREFORE, after fully setting forth his Reply, the Plaintiff requests that the Defendant's Counterclaim be dismissed with costs and fees awarded to the Plaintiff.

Respectfully Submitted,

JAMES B. HUFF
Attorney for Plaintiff
P. O. Box 6488
1417 Georgia Avenue
North Augusta, SC 29841-6488
(803) 278-2889
SC Bar # 2769

North Augusta, South Carolina
July 3, 2004

Exhibit 3

GENETIC IDENTITY

Genetic Identity
895 Country Club Road
Suite C250
Eugene, OR 97401
Phone (541)688-4988

Paternity Experts
P.O. Box 40787
Eugene OR 97404
Phone (541)688-4988
Fax (541)461-3810

Paternity Screening Report

Case Number: ZG200811764 **4/18/2008**

Relationship	Party*	Race
Alleged Father	James Brown	African American
Child	James B[redacted]	

DNA ANALYSIS RESULTS: Allele and number of repeats

Alleles	Child PE11764C_Marrow	Alleged Father PE11764AF	Paternity Index
CSF1P0	10, 12	11, 12	0.762
D2S1338	21, 22	17, 21	9.690
D3S1358	15, 16	14, 16	1.097
D5S818	12, 13	11, 13	1.616
D7S820	9, 12	10, 12	1.694
D8S1179	12, 15	14, 15	2.528
D13S317	12, 13	13, 14	2.238
D16S539	13, 13	11, 13	2.983
D18S51	12, 12	12, 15	3.597
D19S433	12.2, 14	12.2, 13	19.231
D21S11	29, 30	29, 29	2.441
FGA	23, 24	23, 23	3.292
THO1	9, 9	7, 9	3.088
TPOX	8, 8	8, 8	1.876
vWA	15, 18	15, 18	3.320
Amelogenin	X, Y	X, Y	Male (XY), Female (XX)

Combined Paternity Index: 4,003,314
Probability of Paternity: 99.999975%

Conclusion:
The alleged father cannot be excluded as the biological father of the child since they share genetic markers. Based on the results obtained from the analysis of the alleles, CSF1PO, D2S1338, D3S1358, D5S818, D7S820, D8S1179, D13S317, D16S539, D18S51, D19S433, D21S11, FGA, THO1, TPOX, vWA and Amelogenin, the probability of paternity is 99.999975% (prior probability = 0.5) as compared to an untested, unrelated man of the African American population.

*Note: The samples were not collected according to AABB guidelines and the laboratory cannot verify the origin of the DNA samples.

Robert M. Archer, Ph.D.
Chief Scientific Officer

www.paternityexperts.com

www.dnatesting.biz

www.paternityexperts.com

Exhibit 2

CUSTODY RECEIPT
DOCUMENTS OF ESTATE OF JAMES BROWN AND
THE JAMES BROWN 2000 IRREVOCABLE TRUST

Without prejudice to the position of either party as to rights to ownership or custody on behalf of the Estate of James Brown and/or The James Brown 2000 Irrevocable Trust, the undersigned acknowledge the transfer of custody to Russell L. Bauknight on or before June 22,[1] 2009, of the boxes listed below:

BOX 1 - **FORMERLY CANNON BOX 1**
This is one of many boxes delivered to 1218 Taylor Street, Columbia, pursuant to Order of the Honorable Doyet A. Early, III, dated August 10, 2007. These documents were maintained until August 2007 by David G. Cannon, who resigned as PR/Trustee on August 10. Custody and control of the boxes remained with Albert H. Dallas and Alfred A. Bradley, the remaining PR/Trustees, until their resignations on November 20, 2007. Since November 20, 2007, the boxes have been, under various Orders, reviewed by interested parties and counsel, counsel for the PR/Trustees; counsel for the former PR/Trustees; and opposing counsel in litigation. 1218 Taylor Street was considered the "Reading Room" in various confidentiality agreements in various cases.
[If requested, we will be glad to discuss this matter at a weekly meeting.]

BOX 2 - **FORMERLY CANNON BOX 2**
Delivered to 1218 Taylor Street by Mr. Cannon in August, 2007 pursuant to Order dtd. August 10, 2007 in Case 122. Delivered to Mr. Bauknight on May 29, 2009. See Comments to Box 1.

BOX 3 - **FORMERLY CANNON BOX 3**
Delivered to 1218 Taylor Street by Mr. Cannon in August, 2007 pursuant to Order dtd. August 10, 2007 in Case 122. Delivered to Mr. Bauknight on May 29, 2009. See Comments to Box 1.

BOX 4 - **FORMERLY CANNON BOX 4**
Delivered to 1218 Taylor Street by Mr. Cannon in August, 2007 pursuant to Order dtd. August 10, 2007 in Case 122. Delivered to Mr. Bauknight on May 29, 2009. See Comments to Box 1.

BOX 5 - **FORMERLY CANNON BOX 5**
Delivered to 1218 Taylor Street by Mr. Cannon in August, 2007 pursuant to Order dtd. August 10, 2007 in Case 122. Delivered to Mr. Bauknight on May 29, 2009. See Comments to Box 1.

---

[1] Boxes 1-83 previously delivered. See Receipts dated May 27, 2009 and May 29, 2009.

16. James Brown bike Race
17.James Brown Wedding
18. James Brown X-Mas 2003
19. James Brown Video 2003
20. James Brown Video 2003
21. James Brown Day 2003
22. Godfather Homecoming 1st Set
23. Godfather Homecoming 2d Set
24. Godfather Printed JB Brochure JB Festival 2006
25. JB Cycles; JB Hot; JB Show, etc.
26. James Brown in Greenville
27. James Brown & Hakim
Plastic bag containing numerous keys
Silver Album with Wedding Photos

NOTE: These were preserved as returned.

TRANSFERRED FROM:

Adele J. Pope Robert L. Buchanan, Jr.

ROBERT L. BUCHANAN, JR OR
ADELE J. POPE

RECEIVED BY:

RUSSELL L. BAUKNIGHT

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE CIRCUIT COURT

Adele J. Pope,

Plaintiff,

vs.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former Executor de son tort, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust,

Defendants.

AND:

Robert L. Buchanan, Jr.,

Interested Party.

C/A No. 2013-CP-02-1337

RETURN TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

FILED 6.23.14
Liz Godard
C.C.C.P.&G.S.
Anita Knowles
Deputy Clerk

Russell L. Bauknight as Special Administrator of The James Brown Estate and Special Trustee of the James Brown 2000 Irrevocable Trust Agreement incorrectly referred to as The Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust (collectively, the "Defendants") hereby respond to the Motion for Partial Summary Judgment filed May 16, 2014 by Plaintiff Adele J. Pope. Plaintiff seeks immediate payments of certain fees, which are addressed individually below, as well as an Order that any delay in those payments pending the conclusion of the Aiken County cases would be "manifestly unjust to Plaintiff, and also [would] damage the Estate/2000 Trust." Additionally, Plaintiff moves for summary judgment that any judgment

obtained by Plaintiff with respect to four pending lawsuits constitutes an allowed claim against the Estate and was not disallowed by the May 29, 2013 disallowance, and that the existence of any claims or counterclaims in those suits does not constitute a reason to delay payments described above. The four pending lawsuits identified by Plaintiff are: (1) Case No. 2013-CP-40-350 (filed Aug. 3, 2011); (2) Case No. 2010-CP-40-4900 (filed Aug. 10, 2011); (3) Case No. 2010-CP-40-4900; and (4) Federal District Case No. 3:08-cv-00014-WOB.

For the reasons below, this Court should deny Plaintiff's motion for partial summary judgment with respect to the requested payments and other relief.

I. Summary of Argument

Plaintiff seeks an expedited hearing and decision from this Court that she is entitled to and should be paid over $1.5 Million in fees related to her service to the Estate and Trusts. In conjunction with her request, she seeks a ruling that the existence of any pending litigation by Defendants against Plaintiff at this point should not delay payment of her fees. The Defendants take the position that although this Court has the authority to award, deny, reduce, or disgorge fees paid or requested to be paid, any award of fees to the Plaintiff at this point in the litigation is extremely premature.

With respect to the Special Administrator fees Plaintiff claims were earned from March 7, 2007 through November 20, 2007 and ordered to be paid, Defendants have litigation pending against Plaintiff for breach of fiduciary duty, breach of trust and negligence in Case No. 2010-CP-40-4900 (Complaint attached as **Attachment 1**). Taking the facts in a light most favorable to the Defendants, Defendants are entitled to money damages in an amount that exceeds Plaintiff's claim for Special Administrator fees. Therefore, Plaintiff's motion for partial summary judgment as to payment of the Special Administrator fees should be denied.

With respect to the Personal Representative and Trustee fees Plaintiff claims were earned between November 21, 2007 and May 26, 2009, the January 8, 2008 Order of this Court provided that any fees ordered by this Court were to be paid *as a deposit only*, subject to the ultimate determination of her commission. At this point, Plaintiff's commission has been denied in full by the Defendants. That is the subject of this litigation. Further, the South Carolina Supreme Court, in affirming the removal of the Plaintiff from her service to the Estate and Trusts, identified a number of issues in finding her continued service "was not in the best interests of the estate." *Wilson v. Dallas*, 403 S.C. 411, 449, 743 S.E.2d 746, 767 (2013). Those issues included: Plaintiff's seeking $5 Million in fees as fiduciaries for a relatively short interval of time; Plaintiff's seeking and obtaining permission to sell iconic assets from the estate to raise funds, a large portion which went to pay her own attorneys' fees; Plaintiff's unauthorized attempt to sell a GRAMMY award; and the extreme discord between the parties. Further, discovery is ongoing and the material facts at issue are almost universally in dispute. Finally, the pending litigation in Case No. 2010-CP-40-4900 that Plaintiff wants this Court to ignore is vital to the ultimate determination of fees because it will determine whether Plaintiff breached her duties to the Estate and Trusts. Taking the facts in a light most favorable to the Defendants, Defendants are entitled to money damages in an amount that exceeds Plaintiff's claim for Personal Representative and Trustee fees and an order that Plaintiff is not entitled to any compensation for her services as Personal Representative and Trustee in this matter. Therefore, Plaintiff's motion for partial summary judgment as to payment of the Personal Representative and Trustee fees should be denied.

Finally, Plaintiff seeks payment of fees on behalf of Mr. Buchanan. By Order dated January 7, 2014, this Court explicitly limited this case to Plaintiff's request for payment of her

claim in accordance with her Petition for Allowance of Claim. As discussed at length by this Court in its prior Order, Plaintiff has no standing to bring a claim on behalf of Mr. Buchanan and, accordingly, her motion for partial summary judgment as to fees for Mr. Buchanan should be dismissed and Plaintiff should be sanctioned by this Court for her continued attempts to recycle these meritless arguments.

II. LAW

A. Legal Standard

Summary judgment is appropriate only if "it is clear there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law." *Summer v. Carpenter*, 328 S.C. 36, 42, 492 S.E.2d 55, 58 (1997). However, summary judgment is not appropriate when "further inquiry into the facts of the case is desirable to clarify the application of the law." *Pee Dee Stores, Inc. v. Doyle*, 381 S.C. 234, 240, 672 S.E.2d 799, 802 (Ct. App. 2009). An issue is "material" if "the facts alleged are such as to constitute a legal defense or are of such a nature as to affect the result of the action." *Nelson v. Piggly Wiggly Cent., Inc.*, 390 S.C. 382, 388, 701 S.E.2d 776, 779 (Ct. App. 2010) (citation omitted).

Summary judgment is a "drastic remedy" and "should be cautiously invoked to ensure that a litigant is not improperly deprived of trial on disputed factual issues." *Rife v. Hitachi Constr. Mach. Co.*, 363 S.C. 209, 215, 609 S.E.2d 565, 568 (Ct. App. 2005) (emphasis added). In determining whether any triable issue of fact exists, the evidence and all inferences must be viewed in the light most favorable to the nonmoving party. *Pee Dee Stores*, 381 S.C. at 240, 672 S.E.2d at 802. "All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party." *Ellis*, 358 S.C. at 518, 595 S.E.2d at 821.

The party seeking summary judgment has the burden of "clearly establishing the absence of a genuine issue of material fact." *Rife*, 363 S.C. at 214, 609 S.E.2d at 568.

B. Determination of Fees

(1) Special Administrator Fees

By Order dated January 8, 2008, this Court outlined the standard for determining the reasonableness of fees for Plaintiff and Mr. Buchanan for the period prior to November 20, 2007, when the parties served as Special Administrators. According to this Court, the factors to be considered included:

(1) the nature, extent, and difficulty of the case;
(2) the time necessarily devoted to the case;
(3) professional standing of counsel;
(4) contingency of compensation;
(5) beneficial results obtained; and
(6) customary legal fees for similar services.

Donahue v. Donahue, 299 S.C. 353, 384 S.E.2d 741 (1989).

(2) Fiduciary Fees

Under S.C. Code Ann. § 62-3-719(a):

> a personal representative shall receive for his care in the execution of his duties a sum from the probate estate funds not to exceed five percent of the appraised value of the personal property of the probate estate plus the sales proceeds of real property of the probate estate received on sales directed or authorized by will or by proper court order, except upon sales to the personal representative as purchaser . . . .

Under Subsection (e), if more than one personal representative is serving an estate, the court shall apportion the compensation at its discretion, subject to the limitation described above. On the other hand, a trustee is entitled to reasonable compensation under the circumstances. S.C. Code Ann. § 62-7-708.

Notwithstanding these statutory pronouncements, this Court has the authority, both by statute and case law, to reduce, deny, or require disgorgement of compensation of both personal representatives and trustees.

(a) Personal Representative Fees

With respect to personal representative fees, the South Carolina Supreme Court ordered the denial and disgorgement of a personal representative fee in *Franklin v. Chavis*, 271 S.C. 527, 640 S.E.2d 873 (2007). In that case, challengers to a will claimed the preparer engaged in the unauthorized practice of law and should not be entitled to a fee under Section 62-3-719. The Supreme Court agreed with the challengers, finding that due to the preparer's unauthorized practice of law, he should "not receive any fee as personal representative of the . . . estate and [should] disgorge any fee received thus far."

Additionally, a number of jurisdictions across the country have found that executors or administrators who have been removed from office for cause prior to final administration of the estate were not entitled to compensation for services rendered. In those cases, courts typically emphasize the serious misconduct which justifies the denial of compensation as well as removal. For example, in *Succession of Dykes*, 258 So.2d 606 (La. App. 1972), the Louisiana court found that the administrator's failure to deposit funds into a bank account of the estate was a clear breach of the administrator's duty, which constituted sufficient reason to require forfeiture of the administrator's fees. In another case, *In re Estate of Alexander*, 360 S.W.2d 92 (Mo. 1962), a Missouri court held an administrator had forfeited his fees due to flagrant mismanagement of the estate and a failure to comply with and total disregard for the laws. In another, *In re Israel's Estate*, 26 N.Y.S.2d 656 (1941), a lower court in New York found that due to the executor's

"proven acts of misconduct, negligence, and delinquency," normal commissions were disallowed.

Finally, although no South Carolina court has ruled on the issue, courts in other jurisdictions have determined that where an executor or administrator is removed prior to the final administration of a decedent's estate, any claim for such executor's or administrator's compensation should be held in abeyance, and should not be determined, until the administration of the estate is completed. *See In re Jones' Estate*, 155 P.2d 980 (Okla. 1945); *Sprott v. Baldwin*, 34 Miss. 327 (1857).

(b) Trustee Fees

On the other hand, with respect to trustee commissions, section 62-7-1001(b)(8) provides that in the event of a breach of trust, the court may "reduce or deny compensation to the trustee." According to the Reporter's Comments, this section is in accord with Restatement (Second) of Trusts § 243 (1959). Additionally, "[i]n deciding whether to reduce or deny a trustee compensation, the court may wish to consider (1) whether the trustee acted in good faith; (2) whether the breach of trust was intentional; (3) the nature of the breach and the extent of the loss; (4) whether the trustee has restored the loss; and (5) the value of the trustee's services to the trust."

Additionally, courts in both Missouri and New York also have found that a trustee who was removed was entitled to no compensation. For example, in *Gould v. Starr*, 558 S.W.2d 755 (Mo. Ct. App. 1977), the appeals court affirmed a lower court order determining that trustees who were removed because of breach of duty involving improper motives were not entitled to compensation for their services. In *In re Williamsburg Trust Co.*, 113 N.Y.S. 276 (1908), a New York court found that where a trustee was removed for fault, and the trust remained to be

executed by a new trustee subject to the burden of his commissions, it was not just that compensation should be given to the trustee who was removed for fault. In a later case, *In re Manville's Will*, 111 N.Y.S.2d 267 (N.Y. 1952), the New York court noted that any conduct which would justify removal from office as trustee is an adequate ground for the denial of commissions. That trustee had been found "unfit to participate longer in the administration of the trust."

II. Analysis of Requested Fees

A. $47,972 in Special Administrator Fees earned prior to November 20, 2007, with interest.

Defendants acknowledge that under the January 8, 2008 Order, Plaintiff and Mr. Buchanan were to be paid an award of fees and costs related to the period prior to November 20, 2007, subject to interest at the legal rate if not paid within 60 days of the January 8, 2008 Order. Defendants also acknowledge that such payment was not made to Plaintiff. However, taking the facts in a light most favorable to the Defendants, Defendants are entitled to money damages in Case No. 2010-CP-40-4900 in an amount that exceeds Plaintiff's claim for Special Administrator fees. Therefore, Plaintiff's motion for partial summary judgment as to payment of the Special Administrator fees should be denied.

B. $1,473,550 in partial Personal Representative/Trustee commissions for service from November 20, 2007 through May 26, 2009, with interest.

Defendants acknowledge that the January 8, 2008 Order found it appropriate and reasonable for Plaintiff and Mr. Buchanan to "continue to receive fees and costs on an hourly basis, *as a deposit only*, to any full commissions to which they may be entitled as Personal Representatives and Trustees" (emphasis added). Plaintiff's claims currently before this Court have been limited by Order dated January 7, 2014, exclusively to her disputed creditor claim.

On July 17, 2009, Ms. Pope filed a notice of claim asserting entitlement to $4,993,151 for approximately eighteen months of service. On May 29, 2013, the Defendants, in their fiduciary capacity, served Ms. Pope with a notice of disallowance of that claim (attached as **Attachment 2**). The basis of the disallowance followed the Supreme Court's Opinion in *Wilson v. Dallas*; there the Court noted that:

> We are also aware that Appellants have sought $5 million in fees for their services as fiduciaries for a relatively short interval of time. In addition, Appellants sought and obtained permission from the circuit court to sell iconic assets from Brown's estate in order to raise funds, and a large portion of the amount raised went first to pay Appellants' own attorneys' fees. Appellants also unsuccessfully attempted to sell Brown's GRAMMY award at auction; the process was halted only because officials from the National Academy of Recording Arts and Sciences reclaimed the award after informing Appellants that it was a long-standing policy that the award could not be sold by recipients or anyone acting on their behalf. These actions and the extreme discord between the parties convince us that Appellants' continued service as fiduciaries is not in the best interests of the estate.

Wilson v. Dallas, 403 S.C. 411, 743 S.E.2d 746 (2013).

In denying Ms. Pope's claim, the Defendants, in their fiduciary capacity, followed the Supreme Court's Opinion and asserted that her "requested fees and commissions were not earned and therefore are not due and owing." (Notice of Disallowance). Further, the Defendants, in their fiduciary capacity, asserted that the claim was disallowed because "the Estate is entitled to an off-set for any damages suffered as a result of any maladministration during [her] service as Co-Personal Representative and Co-Trustee." (Notice of Disallowance).

The Defendants continue to take the position that Plaintiff is not entitled to fees, commissions, or costs for the period from November 20, 2007 through May 26, 2009 because Plaintiff was removed for cause and her fees were not earned and therefore are not due and owing, and because the Defendants are entitled to offset Plaintiff's fees by any damages suffered

as a result of her maladministration. Given the breach of fiduciary duty action pending against the Plaintiff, the South Carolina Supreme Court's finding that Plaintiff's removal as Personal Representative and Trustee was in the best interests of the estate, and taking the facts in a light most favorable to the Defendants, Plaintiff's motion for partial summary judgment as to payment of her Personal Representative and Trustee fees should be denied.

Plaintiff attempts to argue that because the Order of this Court dated January 8, 2008 provides that she and Mr. Buchanan "shall receive continuing payment on a 'time plus costs' basis for themselves and their staff, commencing November 21, 2007," she is automatically entitled to payment of whatever fees she deems reasonable after that date. Under Plaintiff's flawed reasoning, this Court would be required by its own January 8, 2008 Order to approve payment of all invoices submitted by Plaintiff thereafter, no matter the number of hours, the reasonableness of the total compensation to Plaintiff, or any maladministration. That cannot be the intent of this Court's prior Order.

Moreover, as specifically described in the January 8, 2008 Order, such fees and costs were to be paid *as a deposit only*, subject to the ultimate determination of those parties' entitlement to a commission. It seems illogical for the Defendants to now pay a deposit on a commission that they specifically have disallowed using the statutory mechanism. Simply put: the parties have moved beyond the time for payment of a deposit for commissions in this case, and now are focused on the validity of Plaintiff's claim.

Finally, any fees awarded by this Court at this time are subject to being disgorged and returned to the Defendants. As a practical matter, given the outstanding claims of the Estate against Plaintiff at this time and the fact that the fees and costs awarded by the January 8, 2008 Order were to be paid as a deposit only, an award of fees at this interim point in the litigation

should be denied. Plaintiff has plead "personal financial hardship." Given her admitted hardship, the Plaintiff may be unable to return a deposit if this Court later finds that no commission is due to Plaintiff. Thus, Plaintiff's reliance on the January 8, 2008 Order is misplaced, and the determination of fees at this point would be premature.

C. $500,300 for Robert Buchanan, Jr., with interest.

Plaintiff does not have standing to request relief on behalf of Mr. Buchanan, who she has named as an "interested party" to this litigation. Furthermore, Mr. Buchanan has renounced any claim to personal representative or trustee fees and entered into a complete and full release of all claims he had, or may have had, against the Defendants, and thus is estopped from receiving such payment. Mr. Buchanan specifically renounced trustee fees and additional compensation beyond that which was previously paid for services as Special Administrator. Mr. Buchanan also filed a satisfaction of claim, whereby Mr. Buchanan certified that his "claim for Personal Representative/Trustee commissions and fees, Special Administrator commission and fees, [his] individual attorney's fees and any and all other amounts, whether determined or undetermined, in their entirety, as encompassed in the claim filed by [him] in the matter, are satisfied." (attached as **Attachment 3**) Both were entered July 10, 2012 and filed with the Probate Court on July 13, 2012. Plaintiff is well aware of Mr. Buchanan's renunciation of fees.

Moreover, by Order dated January 7, 2014, this Court granted Defendants' motion to dismiss all of Plaintiff's claims, except for Plaintiff's request for payment of *her* claim in accordance with *her* Petition for Allowance of Claim. This Court dismissed Plaintiff's attempt to void the Settlement Agreement on behalf of Mr. Buchanan, finding Plaintiff was not a party to the agreement, had no enforceable interest in or related to the agreement, and thus had no standing. Plaintiff is well aware that she has no standing to bring a claim on Mr. Buchanan's

behalf. The sole issue before this Court is Plaintiff's request for payment of her individual claim in accordance with the Petition for Allowance. Based on the foregoing, Plaintiff's flawed claims on behalf of Mr. Buchanan are not properly before this Court and thus must be dismissed.

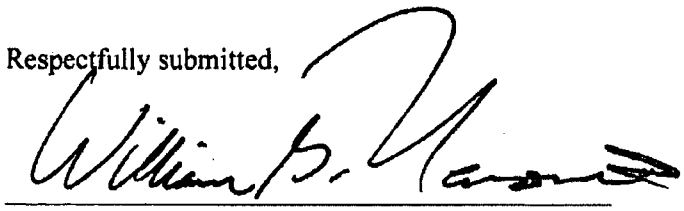
Finally, pursuant to S.C. Code Ann. § 15-36-10 and as noted previously in this litigation, the Defendants, in their fiduciary capacity, request that the Court award attorney fees and costs for responding to any claim beyond the narrow basis of Plaintiff's disputed creditor claim. *See Pool v. Pool*, 329 S.C. 324, 494 S.E.2d 820 (1998). Plaintiff is well aware that Mr. Buchanan has settled his claims against the Estate of James Brown and related trusts and entities. She is also aware that the only matter before the Court in this case is Plaintiff's Petition for Allowance of Claim. Plaintiff has appealed the Order dismissing her other claims. Nevertheless, she continues to raise arguments on behalf of Mr. Buchanan causing the Defendants to incur unnecessary legal fees in order to respond to her vexatious and frivolous arguments on behalf of Mr. Buchanan.

Plaintiff's actions on behalf of Mr. Buchanan are frivolous, and subject to sanction pursuant to section 15-36-10. As a creditor, the Plaintiff is entitled to assert a claim for her disputed claim; she is not, however, entitled to make additional claims on behalf of others. *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013) (affirming removal of Pope for cause and noting "[Pope's] continued service as fiduciar[y] is not in the best interests of the estate").

III. Conclusion

Based on the foregoing, and such additional affidavits and filings as shall come before this Court prior to hearing, this Court should deny in full Plaintiff's Motion for Partial Summary Judgment with respect to the payments of fees requested.

Respectfully submitted,



William G. Newsome III
J. David Black
NEXSEN PRUET, LLC
Post Office Drawer 2426
Columbia, South Carolina 29202
(803) 771-8900

Attorney for Russell L. Bauknight, as Special Administrator of The James Brown Estate and Special Trustee of the James Brown 2000 Irrevocable Trust Agreement

June 20th, 2014

Columbia, South Carolina

ATTACHMENT 3

FILED 6-23-14

Liz Gedeon
LACCP.&G.S.

Anita Kyseppe
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN) **RENUNCIATION OF FEES**
)
IN THE MATTER OF: TRUSTS OF JAMES BROWN)

The undersigned hereby renounces any and all trustee fees, commissions or other compensation for any trust formed by James Brown, including but not limited to, the Irrevocable Trust Agreement of James Brown dated August 1, 2000, The Brown Family Educational Trust, and The James Brown "I Feel Good" Trust.

Executed this 10th day of July, 2012.

Signature: _____
Name: Robert L. Buchanan, Jr.
Address: P. O. Box 463
Aiken, SC 29802
Telephone O): 803-649-2586
(H):

Attorney: Robin A. Braithwaite, Esquire
Address: 759 Richland Ave., West
Aiken, SC 29802-0324
Telephone: 803-649-4144

Filed: 07-13-2012
Sue H. Roe
Judge of Probate
By: _____

FORM #380PC (7/87)
62-3-719

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF AIKEN	)	**RENUNCIATION OF FEES**
	)	
IN THE MATTER OF: JAMES BROWN	)	
	)	CASE NUMBER: 2007 ES02 00056

The undersigned hereby renounces any and all right to compensation and or commissions for serving as Personal Representative as follows:

☐ all

☒ as specified below:

Any additional compensation beyond the $153,739.98 amount previously paid for services as Special Administrator.

Executed this 10th day of July, 2012.

Signature: Robert L. Buchanan, Jr.

Name: Robert L. Buchanan

Address: P. O. Box 463
Aiken, SC 29802

Telephone O): 803-649-2586

(H):

Attorney: Robin A. Braithwaite, Esquire

Address: 759 Richland Ave., West
Aiken, SC 29802-0324

Telephone: 803-649-4144

Filed: 07-13-2012
Sue H. Roe
Judge of Probate
By: J. Lewis

FORM #360PC (7/87)
62-3-719

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF AIKEN

IN THE MATTER OF JAMES BROWN

CASE NUMBER 2007 ES02 00056

SATISFACTION OF CLAIM

I, Robert L. Buchanan, Jr. hereby certify that my claim for Personal Representative/Trustee commissions and fees, Special Administrator commission and fees, my individual attorney's fees and any and all other amounts, whether determined or undetermined, in their entirety, as encompassed in the claim filed by me in the matter, are satisfied.

Robert L. Buchanan, Jr.

SWORN and subscribed to before me
this 10th day of May, 2012

Pamela W. Holmes
Notary Public for South Carolina
My Commission Expires: 02-07-2022

Filed: 07-13-2012
Sue H. Roe
Judge of Probate
By: [illegible]

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Adele J. Pope,

Plaintiff,

vs.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former Executor de son tort, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust,

Defendants.

AND:

Robert L. Buchanan, Jr.,

Interested Party.

IN THE CIRCUIT COURT

C/A No. 2013-CP-02-1337

CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT

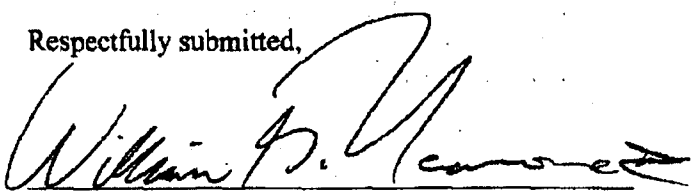
YOU WILL PLEASE TAKE NOTICE that Defendant, Russell L. Bauknight, as Personal Representative of the James Brown Estate and Trustee of the James Brown 2000 Irrevocable Trust, the Estate of James Brown and The James Brown 2000 Irrevocable Trust (collectively, the "Defendants"), by and through the undersigned counsel, hereby moves before this Court on this 21st day of August, 2014, for an Order granting Partial Summary Judgment pursuant to Rule 56(c), SCRCP, granting Defendants' request to limit Plaintiff's claims for personal representative and trustee fees and commissions to that which was identified in her Notice of Claim filed July 19, 2009 and earned in her sole and individual capacity for those services provided prior to May 26, 2009, the date Plaintiff's appointment was terminated. The specific

FILED
AUG 22 2014
Liz Ledford
C.C.C.P.&G.S.
Deputy Clerk

grounds for this motion include that Plaintiff is barred as a matter of law from claiming fees and commissions for periods after which her appointment was terminated, and that this Court already has determined that Plaintiff does not have standing to bring claims on behalf of Mr. Robert Buchanan.

THEREFORE, by the undersigned counsel as attorneys for Defendants, Defendants respectfully request that this Court grant Partial Summary Judgment pursuant to Rule 56(c), SCRCP.

Respectfully submitted,



William G. Newsome III
J. David Black
NEXSEN PRUET, LLC
Post Office Drawer 2426
Columbia, South Carolina 29202
(803) 771-8900

Attorney for Russell L. Bauknight, as Special Administrator of The James Brown Estate and Special Trustee of the James Brown 2000 Irrevocable Trust Agreement

August 21, 2014

Columbia, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF AIKEN Adele J. Pope, Plaintiff, v. Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants. AND: Robert L. Buchanan, Jr., Interested Party.	) IN THE COURT OF COMMON PLEAS Case No. 2013-CP-02-1337 PLAINTIFF'S MOTION TO STRIKE AFFIDAVIT DATED JULY 3, 2014; AND COMPEL ESTATE/ 2000 TRUST TO COMPLY WITH DISCOVERY; AND FOR RELATED RELIEF

7.8.14
Liz Leland
C.P. & G.S.
Sharron Salmon
Deputy Clerk

TO: THE DEFENDANTS ESTATE OF JAMES BROWN AND JAMES BROWN 2000 IRREVOCABLE TRUST AND THEIR COUNSEL.

YOU WILL PLEASE TAKE NOTICE that Ten (10) Days after service hereof, or as soon thereafter as Plaintiff may be heard, and, as granted by the Court on July 7, 2014 before the hearing on her Motion for Partial Summary Judgment, Plaintiff will move before the Honorable Doyet A. Early, III ("Jg.Early") at the Aiken County Courthouse or such place as the Court shall direct, for an Order as follows:

1. Striking the Affidavit of Russell L. Bauknight served by mail on July 3, 2014 as sham; wholly unsupported by the record; not based on personal knowledge; and/or stating without foundation an expert opinion.

2. Requiring the Estate/2000 Trust to properly answer all Requests to Admit, not limiting them to 20.

3. Requiring Defendant Estate and 2000 Trust to fully answer Interrogatories Nos. 2, 3, 4, 5, 6, 7 10, 11, 14, 16, and 17, as shown on Exhibit A.

4. Requiring Defendant Estate and Trust to produce, without a confidentiality agreement, documents responsive to Documents Requests Nos. 1,2, 3, 4, 6, 7, as shown on Exhibit B.

5. Ruling on Plaintiff's discovery motions before the Partial Summary Judgment hearing, including motions related to mandatory judicial notice, unsealing documents, and delivery of fee agreements ordered to be delivered by Order of Jg. Early, but missing from the Clerk's Office.

6. For attorneys fees and/or costs if substantial compliance with discovery is not made prior to the hearing, or false allegations withdrawn.

The grounds of this motion are:

1. Bauknight's July 3, 2014 Affidavit related to the Grammy sale, of which he has previously advised the Federal Court he had no knowledge, contains false allegations which have no support in the Estate/2000 Trust records, and, on information and belief, is a "sham affidavit" interposed solely to avoid Partial Summary Judgment, which should be granted.

2. The failure of Bauknight to comply with discovery in this case; his wrongful acts in the Forlando Federal Suit; and his attempt to have this Court litigate the merits of the Wingate Suit where he has placed sole jurisdiction of the matter in the Richland County Court, continue the 7 years of fraud on this Court, the S. C. Supreme Court, the Federal District Court and the Richland County Court first perpetrated in late 2007 and early 2008 by Forlando Brown, Terry Brown, David Bell, Esq., David Cannon and Albert "Buddy" Dallas.

3. The undisputed material facts to be revealed by the documents and answers sought, and which Bauknight has hindered by refusal to comply with discovery

and improper intervention in three FOIA Suits, are:

a. The Wingate Suit, on its face, is illegal because neither Wingate nor Bauknight had any legal authority to speak for the State/AG.

b. Tommie Rae Hynie, for whom Bauknight currently serves as agent and trustee, was not Brown's spouse and knew it.

c. Tommie Rae and ALL Will/2000 Trust challengers have admitted:

... the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. **This objective as the often stated and well-known desire of James Brown.** [Emphasis supplied.]

d. The $4.7 million claimed at-death value of Brown's assets is outrageous and must be corrected to avoid improperly low distributions under IRS guidelines to needy student beneficiaries of the "I Feel Good" Trust.

e. The claim to the IRS that Hynie was Brown's spouse and Bauknight's continued service as her fiduciary after *Wilson v. Dallas* should be considered by the Court to discount his statements.

f. The false claim that Buchanan and Pope committed the federal felony of intentionally overstating Brown's music empire by $79 million to the IRS on the estate tax return to get a $5 million commission, cited by the S. C. Supreme Court in its decision not to reinstate Buchanan and Pope, should be corrected to prevent further fraud.

g. The false claim continues – in modified form – the false claim made by Forlando, Bell, Powell Goldstein, and Dallas in 2007 that Buchanan and Pope ousted the "innocent" David Cannon to get the $5 million proper commission payable on Brown's $100 million estate.

h. James Brown's worldwide music empire was properly and conservatively valued by Buchanan and Pope at about $84 million on the estate tax return; offers of $150,000 were available by late 2008; and interest at $200 million was expressed by 2011.

i. The Estate/2000 Trust, during the void appointment of Bauknight, joined Terry Brown and Tommie Rae in fabrications to the S.C. Supreme Court about Brown's heirs; Tommie Rae Hynie's marital status; and the termination rights under the Federal Copyright Act.

j. Just as was the case for Buchanan, there is no basis for withholding

from Plaintiff the allowed, Court-ordered payments in accordance with the January 8, 2008 Order.

k. Conclusion of the Wingate Suit is necessary for the final conclusion of this case, but not the Motion for Partial Summary Judgment.

l. Judicial economy will be served by granting the relief sought herein.

4. There is no basis for the Court to deny Partial Summary Judgment as to:

Plaintiff, as unpaid SA fees, plus interest from Jan. 20, 2008 at 8 3/4% until paid:	$47,972
Plaintiff, as unpaid partial PR/Trustees commissions plus interest from May 26, 2009 until paid at 8 3/4%	$1,473,550

5. While the Court lacks jurisdiction to decide any matter in the Wingate Suit or any matter on appeal, it can declare the Wingate Suit unconstitutional on its face.

This motion is supported by the Exhibits attached hereto; the Affidavit of Plaintiff filed herewith; all prior filings of Plaintiff herein; the record in the Wingate Suit, the three FOIA Suits and the Forlando Federal Suit, of which the Court is asked to take mandatory judicial notice; and additional affidavits and filings of Plaintiff before the hearing.

Respectfully submitted,

Adele J. Pope, *pro se*
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar # 4501

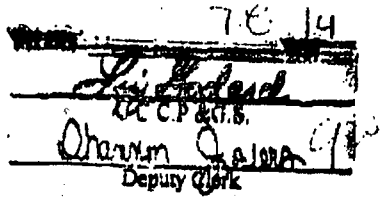
July 7, 2014

AFFIRMATION OF COUNSEL

I certify pursuant to Rule 11, SCRCP, that I have consulted in writing with opposing counsel prior to filing this motion.

Adele J. Pope

STATE OF SOUTH CAROLINA COUNTY OF AIKEN	IN THE CIRCUIT COURT
ADELE J. POPE, Plaintiff, vs. ESTATE OF JAMES BROWN, DECEASED; THE JAMES BROWN 2000 IRREVOCABLE TRUST, RUSSELL L. BAUKNIGHT AND OTHERS, Defendants	Case No. 2013-CP02-1337 **DEFENDANTS' ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES TO ESTATE AND 2000 TRUST**



Defendants Estate of James Brown and The James Brown 2000 Irrevocable Trust, answer Plaintiff's First Interrogatories dated May 27, 2014 as follows:

GENERAL OBJECTIONS

Defendants object to the definitions and instructions included in Plaintiff's Interrogatories and answer solely in compliance with Rule 33 of the South Carolina Rules of Civil Procedure.

Defendants object to the inclusion of Robert L. Buchanan, Jr. as a party to this action as his claim for fees and commissions has been satisfied of record.

Defendants object to any reference by the Plaintiff to any claim against Russell L. Bauknight individually, as the Court has adjudicated this matter and dismissed all claims against Mr. Bauknight individually.

Defendants object to these interrogatories, as set forth more fully below, in that they seek information that in no way relates to the Plaintiff's claim and/or they seek information not reasonably calculated to lead to the discovery of admissible evidence.

Exhibit A

INTERROGATORIES

Interrogatory No. 1

Please state every fact on which you base the following allegation contained in the Disallowance:

> There is no way that $4,993,151.00 in fees and commissions could have been legitimately earned. The affidavits you submitted to substantiate your claim describing the hours you spent in these roles confirm this. Further, your claim is based on an overinflated, unsubstantiated and self-serving valuation of the probate estate as of the date of Mr. Brown's death.

ANSWER: Plaintiff failed to retain a professional business valuation expert to determine the fair market value of the assets of the Brown estate as of the date of Mr. Brown's death and completely lacked any qualification to value the assets on her own. Defendants subsequently retained a valuation expert who properly valued the estate assets, confirming the inaccuracy of Plaintiff's valuation. Plaintiff also relied on a non-binding letter of intent to bolster her incorrect and unsubstantiated valuation. Plaintiff's own hourly records reflect that the value of her time, on a billable hour basis, is significantly less than the total fees and commissions claimed. Most importantly, the South Carolina Supreme Court's decision in *Wilson v. Dallas*, 403 S.C. 411, 449, 743 S.E.2d 746, 767 (2013), which found:

> We are also aware that [Ms. Pope and Mr. Buchanan] have sought $5 million in fees for their services as fiduciaries for a relatively short interval of time. In addition, [Ms. Pope and Mr. Buchanan] sought and obtained permission from the circuit court to sell iconic assets from Brown's estate in order to raise funds, and a large portion of the amount raised went first to pay [Ms. Pope's and Mr. Buchanan's] own attorneys' fees. [Ms. Pope and Mr. Buchanan] also unsuccessfully attempted to sell Brown's GRAMMY award at auction; the process was halted only because officials from the National Academy of Recording Arts and Sciences reclaimed the award after informing [Ms. Pope and Mr. Buchanan] that it was a

> longstanding policy that the award could not be sold by recipients or anyone acting on their behalf. These actions and the extreme discord between the parties convince us that [Ms. Pope's and Mr. Buchanan's] continued service as fiduciaries is not in the best interests of the estate.

Plaintiff also committed numerous acts of maladministration while serving as Personal Representative and Trustee, as fully described in the complaint in Richland County Case No. 2010-CP-40-4900 (filed Aug. 10, 2011) (commonly referred to by Plaintiff as the "Wingate Case").

Interrogatory No. 2

Please name each person who participated in, or provided information to the Estate, the 2000 Trust, their fiduciaries and claimed fiduciaries and/or Philpott Ball in connection with the less-than $4.7 million appraisal of James Brown's music empire, and the information provided by each such person.

ANSWER: The Defendants object to this request to the extent that it requests confidential and proprietary information of the business of the Estate, including but not limited to the Philpott Ball valuation report and proprietary information that went into that report. Upon the issuance of an appropriate order protecting the confidentiality of the requested information, Defendants will fully respond to Interrogatory No. 2.

Interrogatory No. 3

Please describe in detail every fact which supports your claim that the valuation by Robert L. Buchanan, Jr. and Adele J. Pope of the assets of the Estate of James Brown and the 2000 Trust at approximately $100 million less the approximately $15 million TIAA debt was inaccurate and/or self-serving.

ANSWER: See Defendants' Answer to Interrogatory No.1.

Interrogatory No. 4:

Please describe to the best of your ability how the approximately $.5 million [sic] you claimed as the value of the tangible personal property of James Brown in your filings with the Internal Revenue Service is allocated among the items sold at the Christie's sale; the items placed in museums by Robert Buchanan, Jr. and Adele Pope by Court order; the Items located in the sound storage facility; and the items located in the home.

ANSWER: Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Defendants are not required to account to Plaintiff for the basis of the allocations because the sole basis of this action is to ascertain her entitlement to the fees as set forth in her creditor's claim. Defendants' accountability is limited to the Court, the heirs and devisees of the Estate and the beneficiaries of the Trust. Plaintiff has no standing in any of those categories. Subject to Defendants' objections, Russell L. Bauknight, in his fiduciary capacity, relied upon professional valuations for all tangible personal property, which valuations speak for themselves.

Interrogatory No. 5

Please describe to the best of your ability how the $4.7 million value you claimed to the Internal Revenue Service as the value of James Brown's music empire is allocated among:

1. **The Royalties related to more than 800 songs;**
2. **The right to exploit James Brown's image and persona (the "Publicity Rights");**
3. **The right of recovery against David G. Cannon; and**
4. **Other assets (please describe).**

ANSWER: The Defendants object to this request to the extent that it requests confidential and proprietary information of the business of the Estate, including but not limited to the Philpott Ball valuation report and proprietary information that went into that report. Upon the issuance of an appropriate order protecting the confidentiality of the requested information, Defendants will fully respond to Interrogatory No. 5.

Interrogatory No. 6

Please state why you rejected the Corbis/Greenlight proposal pending on May 26, 2009, and each Publicity Rights deal secured by the Estate/2000 Trust during the two years between 2009 and 2011 which you believe surpassed the Corbis/GreenLight proposal.

ANSWER: Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Defendants are not required to account to Plaintiff for the basis of decisions made on behalf of the Estate and/or Trust. Again, the sole basis of this action is to ascertain Plaintiff's entitlement to the fees as set forth in her creditor's claim. Defendants' accountability is limited to the Court, the heirs and devisees of the Estate and the beneficiaries of the Trust. Plaintiff has no standing in any of those categories. Subject to Defendants' objections, Russell L. Bauknight, in his fiduciary capacity, determined after input from a professional music manager, that the Corbis/Greenlight proposal was not in the best interest of the Estate.

Interrogatory No. 7

Do you agree that the Peeples DNA Protocol and the acknowledgment of La Rhonda, Jeanette and Nicole after they passed, with the Order of March 2008 of the Honorable Doyet A. Early, III, was beneficial to the Estate/"I Feel Good" in the long-range protection of its $3+ million royalty stream? If not, why not?

ANSWER: Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Defendants are not required to account to Plaintiff for the basis of decisions made on behalf of the Estate and/or Trust. Again, the sole basis of this action is to ascertain Plaintiff's entitlement to the fees as set forth in her creditor's claim. Defendants' accountability is limited to the Court, the heirs and devisees of the Estate and the beneficiaries of the Trust. Plaintiff has no standing in any of those categories.

Interrogatory No. 8

For each person known to you or your counsel to be a witness concerning the facts alleged in the Disallowance and your Answer, set forth either a summary sufficient to inform the other parties of the important facts known to or observed by such witness, and/or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER:

A. Russell L. Bauknight has knowledge as to the basis for disallowing the Plaintiff's claim, including Plaintiff's failure to properly value the estate assets and the proper business valuation report that he obtained. Mr. Bauknight can also testify as to Plaintiff's numerous acts of maladministration and the damages caused to the Estate and Trust. Mr. Bauknight's deposition has been taken in an unrelated matter. On information and belief, Plaintiff has a copy of the transcript of that deposition.

B. Plaintiff, on information and belief, has knowledge regarding the time records proffered to the Court and the actual time spent during the relatively short period she was the Co-Personal Representative and Co-Trustee of the Estate and Trust, as well as the basis of the calculation of her claimed fees and commission. Plaintiff also has knowledge of her efforts to sell the GRAMMY, to value the estate assets, and her other acts of maladministration.

C. Robert L. Buchanan, Jr., on information and belief, has knowledge regarding the time records proffered to the Court and the actual time spent during the relatively short period Plaintiff was the Co-Personal Representative and Co-Trustee of the Estate and Trust, as well as the basis of the calculation of Plaintiff's fee and commission. Mr. Buchanan also has knowledge of Plaintiff's efforts to sell the GRAMMY, to value the estate assets, and her other acts of maladministration.

Interrogatory No. 9

State the full name, address, place of employment, and area of specialty of each and every expert witness who has knowledge concerning the facts of this case, and state with specificity any and all opinions of such expert(s);

ANSWER: Defendants have not retained an expert witness at this time. At such time as an expert witness is identified, if any, this response will be updated and provided to the Plaintiff.

Interrogatory No. 10

Do you believe that the best method of protecting the copyrights James Brown gave to the "I Feel Good" Trust is by confirming that Brown died unmarried; completing the Peeples DNA Protocol for all non-presumed children (and Tonya) who are likely to to [sic] be heirs; and reaching termination rights agreements with the most-cooperative HALF (or half + 1) of Brown's children who are not challenging -or have withdrawn all challenges to - Brown's Estate Plan? If not, explain what you believe to be the best method to protect the "I Feel Good" Foundation's royalties related to the copyrights.

ANSWER: Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Defendants are not required to account to Plaintiff for the basis of decisions made on behalf of the Estate and/or Trust. Again, the sole basis of this action is to ascertain Plaintiff's entitlement to the fees as set forth in her creditor's claim. Defendants' accountability is limited to the Court, the heirs and devisees of the Estate and the beneficiaries of the Trust. Plaintiff has no standing in any of those categories. Subject to Defendants' objections, Defendants do not agree.

Interrogatory No. 11

Do you agree that valuing Brown's estate at about $5 million will reduce the payments to needy students from the "I Feel Good" Trust under IRS guidelines from several million per year to under $100,000 per year? If you disagree, please explain why?

ANSWER: Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Defendants are not required to account to Plaintiff for the basis of decisions made on behalf of the Estate and/or Trust. Again, the sole basis of this action is to ascertain Plaintiff's entitlement to the fees as set forth in her creditor's claim. Defendants' accountability is limited to the Court, the heirs and devisees of the Estate and the beneficiaries of the Trust. Plaintiff has no standing in any of those categories. Subject to the foregoing, the Defendants do not agree. Plaintiff confuses the date of death valuation with the current value and future values of the assets of the James Brown Estate and the law of charitable trusts.

Interrogatory No. 12

Do you agree Robert Buchanan, Jr., Adele J. Pope and Court-appointed CPA William Sellars properly valued the assets of James Brown on the estate tax return filed on or about September 25, 2009? If not, explain every deficiency you believe is contained in the return.

ANSWER: Defendants do not agree. Plaintiff failed to obtain a professional business valuation of the assets of the James Brown Estate. See Response No. 1.

Interrogatory No. 13

Do you agree that it is a federal felony to overstate assets on an estate tax return by $79 million for the improper purpose of obtaining a large commission? And that the

Estate/2000 Trust accused Robert Buchanan and Adele Pope of that felony? If not, please explain why not.

ANSWER: Defendants object to this interrogatory on the basis that it seeks a legal conclusion which neither the Estate nor the Trust are qualified to render. Subject to this objection, Defendants have never accused Plaintiff of any crime.

Interrogatory No. 14

Do you agree that the Attorney General of South Carolina relied on the Estate and/or the 2000 Trust in making the claim that Buchanan and Pope had overstated the James Brown assets to the IRS by $79 million? If not, please explain why.

ANSWER: Defendants do not have sufficient information to either admit or deny the basis upon which the Attorney General relied in making the claim alleged by Plaintiff, and therefore, deny same. Further, Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence

Interrogatory No. 15

Plaintiff's Interrogatories did not contain an Interrogatory 15.

Interrogatory No. 16

Describe all transactions and agreement [sic] the Estate and/or 2000 Trust have had with Albert Dallas, David Cannon and/or Alfred Bradley since May 26, 2009.

ANSWER: Defendants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Defendants are not required to account to Plaintiff for the basis of decisions made on behalf of the Estate and/or Trust. Again, the sole basis of this action is to ascertain Plaintiff's entitlement to the fees as set forth in her creditor's claim and Petition for Allowance. Defendants' accountability is limited to the Court, the heirs and devisees of the Estate and the beneficiaries of the Trust. Plaintiff has no standing in

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	Case No. 2013-CP-02-1337
Adele J. Pope, Plaintiff, v. Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell Bauknight, Individually, as former *Executor de son tort,* and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants. AND: Robert L. Buchanan, Jr., Interested Party.	RETURN AND OPPOSITION TO MOTION OF RUSSELL L. BAUKNIGHT FOR CONFIDENTIALITY ORDER

Plaintiff opposes the motion of the Estate/2000 Trust, made by Russell L. Bauknight, for a Confidentiality Agreement and Protective Order because Plaintiff has never sought, and has no current plans to seek, any confidential documents in this case.

Because Mr. Bauknight currently serves as fiduciary and agent for Tommie Rae Hynie; Ms. Hynie was paid for consulting in "Get on Up;" Ms. Hynie has publicly praised Peter Afterman and Mick Jagger, who are advancing her claim to be Brown's widow, the matters she seeks are of public importance in relation to Brown's music copyrights.

Some of the non-confidential and public documents Plaintiff has been seeking are:

1. The $4.7 million at-death appraisal of Brown's music empire.

[Brown's Historical Documents on which any appraisal would be based were made public by Order of the Hon. Doyet A. Early, III dtd. 8/10/07, and by Buchanan/Pope.]

FILED 9-10-14
Lisa Boland
C.C.P.&G.S.
Deputy Clerk

2. Documents circulated among David Bell, Esq., the Attorneys General and others related to the false GRAMMY claim which reached the S. C. Supreme Court;.[1]

3. Documents which support or refute Forlando Brown's claim that in 2011 Mr. Bauknight rebuffed a deal to sell the assets Brown left to provide scholarships for needy students to Oprah Winfrey's counsel for as much as $200 million.

4. Documents which support or refute the claim of Marc Toberoff, Esq., that Peter Afterman is advancing Ms. Hynie's interest, a conflict with the "I Feel Good" Trust.

5. Documents showing whether the Bauknight/Afterman relationship with Ms. Hynie advances the interests of the "I Feel Good" Trust or Afterman's client Mick Jagger.

6. The 2010 Wingate 40% Litigation Retention Agreement by which attorneys Bell, Levenson and Medlin authorized Wingate to sue Buchanan/Plaintiff for the State/ Attorney General Henry McMaster, and Bauknight acted as the AG's agent.

This Return is supported by the Affidavit of Adele J. Pope filed herewith, and such additional affidavits and documents as shall be presented to the Court before hearing.

Respectfully submitted,

Adele Pope

Adele J. Pope
1228 Walnut Street
Newberry, S.C. 29108
Pro Se

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[1]Material facts about the GRAMMY placement and withdrawal include that in February 2008 the AG took no position on the Christie's sale. [Exhibit A]

On July 12, 2008, the AG asked the Court to approve the Christie's sale.

On May 19, 2010 an unidentified someone convinced AG McMaster that he would breach his fiduciary duty as Attorney General if he did not sue Bob Buchanan and Adele Pope.

On May 19, 2008, Mr. Bell, Mr. Levenson and counsel for Ms. Hynie – expecting 30-40% of the McMaster Settlement – signed the contract for the AG to sue Buchanan and Pope.

The next day, May 20, 2010 AG McMaster's Sr. Assistant AG Sonny Jones met with James Trigg, Esq., an attorney with Kilpatrick Stockton (KP). [Exhibit B]

In January 2011 Jones, Bell, Bauknight's counsel and KP attorney Trigg were communicating about the transfer from Terry Brown to Forlando of Terry's interest in the estate.

Before February 2013 the false post that KP attorney Potter had halted the GRAMMY sale appeared, even though Robert Potter, Esquire, credited with action, does not know about it.

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	Case No. 2013-CP-02-1337
Adele J. Pope, Plaintiff, v. Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and the James Brown 2000 Irrevocable Trust, Defendants. AND: Robert L. Buchanan, Jr., Interested Party.	RETURN AND OPPOSITION OF PLAINTIFF TO MOTION OF ESTATE/2000 TRUST FOR PARTIAL SUMMARY JUDGMENT

FILED 9-29-14
C.C.P.&G.S.
Deputy Clerk

Plaintiff submits this return and opposition to the motion of the Estate/2000 Trust of James Brown, speaking through Russell L. Bauknight ("Russell"), for partial summary judgment ("PSJ") as to fees and commissions of Plaintiff from May 26, 2009 until May 8, 2013.

The Court lacks jurisdiction under Rule 205 SCACR to grant the PSJ motion as to any matters for this 4-year period because the S.C. Supreme Court has determined that Russell's actions as SA, ST and PR/Trustee during the period were void, and his improper individual and fiduciary actions during and after the period are the subject of four pending appeals.

In addition to the Rule 205 SCACR impediment, the Richland County Court in Case 2010-CP-40-4900 (the "Wingate Suit") currently has sole jurisdiction over material

questions at issue in the Estate/2000 Trust's PSJ motion.

Under the Rule 56 standard, the material facts related to the Estate/2000 Trust's PSJ for this 4-year period are:

1. But for the actions of two Attorney General of South Carolina and other State action to dismember it, TODAY James Brown's "I Feel Good" private foundation would have a $90 million corpus; would be managed by three non-conflicted private trustees; and would be distributing $3 million or more each year in scholarships for needy students.

2. Ten S.C. taxpayer-paid lawyers, including two AGs, have worked for 7 years to destroy the "I Feel Good" Trust; damage its copyrights to more than 800 songs; and ruin the careers and reputations of Bob, Adele and anyone who dared to try to stop the AG's plan to take control of Brown's private property and give more than half to disgruntled claimed relatives.

3. For 7 years the State action to destroy the "I Feel Good" Trust has been taken through the office of the Attorney General ("OAG"); the McMaster Legacy Trust; and Russell, who serves as agent for Tommie Rae Hynie and her son, as well as trustee of McMaster's Legacy Trust.

4. The OAG and Russell have been aided by the Wingate Firm; 15 attorneys at Nexsen Pruet ("NP"), and by David Sojourner and his former firm ("Sojourner").

5. Brown's Estate has paid about $2 million since late 2012 for this effort, with $770,000 to NP and $250,000 to Sojourner's firm for two months in 2013.

6. Attorneys for Ms. Hynie, David Bell, Esq. ("Bell") and Louis Levenson ("Louis"), given about $20 million in McMaster's 2008 settlement voided by the Supreme Court, have made material and false statements to the Courts to hold on to it.

7. By February 2008 AG McMaster and AG Sonny Jones ("Sonny") knew from tax attorney Bill Hammond that David Cannon and other trustees serving before Brown died had understated Brown's income to the IRS and S.C. Tax Commission by about $3 million each year for years; that Cannon had taken about $17 million from Brown; and that the Cannon group was on a vendetta against Bob and Adele, who discovered the takings.

8. Despite this, AG McMaster and Sonny attacked Bob and Adele;

appeared on WIS-TV with Cannon joint venturer Forlando; and accepted large political contributions from Atlanta lawyers who served them.

9. On April 8, 2008 at the request of Bob and Adele, and after a full hearing, Judge Early rejected AG McMaster's claims and approved Bob's and Adele's service as both ethical and appropriate.

10. On July 30, 2008 AG McMaster approved Bob & Adele as permanent Trustees.

11. But on August 10, 2008 McMaster contracted with Louis and Ms. Hynie to replace Bob and Adele; take over Brown's private property; create his own "Legacy Trust;" and give more than half of Brown's assets to Ms. Hynie and Louis' clients.

12. McMaster knew nothing about the Federal Copyright Act, but damaged Brown's 800 copyrights by stipulating that non-wife Hynie was Brown's spouse.

13. Ms. Hynie and Louis' clients claimed the termination rights they transferred to McMaster's Legacy Trust were more valuable than Brown's assets.

14. In early 2009 AG McMaster gave son Terry a right of first refusal (the "ROFR") to buy the music empire at "fair market value."

15. Terry's lawyer Bell, aligned with the Cannon Group, was infamous for false affidavits, false grievances and threatened sanctions.

16. Bob and Adele warned McMaster that Bell/Terry would try to devalue the assets, but AG McMaster failed to heed the warning.

17. Russell recommended the settlement. In March 2009 Russell asserted to Judge Early that he had gained knowledge about Copyright Act termination provisions. For 4 years he has used it against the "I Feel Good" Trust.

18. On May 26, 2009 Judge Early approved the McMaster settlement. Bob and Adele appealed, as was required.

19. In March 2010 one of Ms. Hynie's laywers advised Bob's lawyer that Sonny had hired Ken Wingate and would sue if Bob and Adele didn't drop the appeal of McMaster's settlement.

20. AG McMaster knew Bob and Adele had good reputations. He had

fully investigated their acts more than a year earlier. But he sued Bob and Adele for tens of millions of dollars to stop the appeal of his settlement.

21. AG McMaster also had read the so-called Hynie "diary" and knew its release would cause irreparable harm to his claim that she was Brown's wife. But he abandoned the "I Feel Good" Trust and protected her.

22 Bell, who was suing the 2000 Trust and claiming in Federal Court that Hynie was not Brown's spouse, secretly signed the Wingate 40% Litigation Retention Agreement with Bauknight, Ms. Hynie's counsel and Louis.

23. The purpose of the Wingate Suit was to stop the *Wilson v. Dallas* appeal so that Louis, Bell and Ms. Hynie's lawyers would get $20 million Brown gave to needy students. And McMaster would continue to control a $100 million foundation that did not belong to him.

24. David Cannon and Buddy Dallas were named as witnesses against Bob and Adele in the Wingate Suit, even though Cannon had been indicted for about $12 million of the $17 million he took from funds Brown gave for needy students, and a 2008 forgery to cover it up.

25. Under the Wingate Contract, all documents Wingate was given were public property and subject to FOIA.

26. The Wingate Suit had the intended effect on Adele's career. It rendered her unable to serve as an expert in her field.

27. By 2011 AG Wilson and Bauknight, speaking for the AG and the McMaster Legacy Trust, were claiming Bob and Adele had committed the federal felony of intentionally overstating the value of Brown's music empire at $83+ million for the improper purpose of getting a $5 million fee.

28. Wingate is seeking relief from default from Bob's and Adele's counterclaim for abuse of process, and others.

29. In 2011 AG Wilson and Bauknight told the Supreme Court that Brown's worldwide music empire was worth less than $4.7 million at his death. Neither AG Wilson nor anyone at the OAG reviewed the "appraisal" on which this false claim was based.

30. From 2011 until 2014 AG Wilson and the Estate/2000 Trust have fought FOIA compliance; refused discovery; and wasted tens of thousand of dollars of taxpayer funds to hide public documents and emails, including:

A. The so-called Hynie "diary" which AG McMaster reviewed;

B. The $4.7 million appraisal on which the AG based the false claim that Bob and Adele intentionally understated the assets on the estate tax return by $79 million to get a $5 million fee, a felony.

C. The Wingate Litigation Retention Agreement

D. The McMaster Legacy Trust, and amendments.

27. From 2011 until 2014 Bauknight has aligned himself with Forlando, and Bell, who continue to defraud the Federal and State Courts.

28. For three years AG Wilson has concealed under FOIA amendments to the McMaster Legacy Trust made by Terry Brown, Louis, Bell and AG McMaster in January 2011, just before McMaster left office.

29. When Adele tried to get a copy of the McMaster Legacy Trust which holds the Terry and Levenson client copyright rights and is suing her for tens of millions of dollars in the Wingate Suit, NP attorney Black threatened sanctions and claimed the McMaster Legacy Trust is not subject to FOIA.

30. In its first February 27,2013 *Wilson v. Dallas* decision the Supreme Court asked that the FOIA and Wingate Suits be addressed in the first instance.

31. In March Adele and her Wingate Suit counsel visited AG Wilson; told him of the need to correct Bauknight's wrong IRS filings; and told him of the need to protect the copyrights to 800 songs Brown gave to the "I Feel Good" Trust by completing the Estate's official DNA protocol and continuing the "I Feel Good" Trust's annual $3+ million royalty stream for needy students by making copyright termination rights agreements with the FIRST HALF (or half +1) of Brown's children not challenging the estate plan to accept a reasonable offer.

32. They explained that only HALF are necessary to save the copyrights.

33. AG Wilson (and later Sojourner) were given a copy of *Private Foundations, Copyright Heirs and Musical Millionaires; why the James Brown "I Feel Good" Trust Doesn't...* a 2011 draft article by former attorney and patent examiner Jeffrey Smith and Adele which explains how the "I Feel Good" Foundation and all private foundations and charities owning copyrights must protect themselves in copyright termination issues.

34. In March 2013 AG Wilson told Adele and the Supreme Court he was seeking to be dropped as a party to the Wingate Suit, but did the

opposite.

35. AG Wilson, instead, asked the Court in the Wingate Suit, to delay all hearings in the Wingate Suit and FOIA suits consolidated with it and moved from Newberry County. He asked that they not be heard until all matters in Aiken are concluded. As Bauknight's own affidavit of July 2014 confirms, conclusion of the Wingate Suit is essential to this claim.

36. In April 2013 the Estate/2000 Trust moved to intervene in a 3rd FOIA Suit in Newberry County, to protect Hynie from release of the widely-kown contents of the so-called Hynie "diary" used by AG McMaster.

37. On June 13, 2013 the June 13 Orders enjoined Adele and virtually every heir, devisee or other person who supports the "I Feel Good" Trust as embodied in the 2000 estate plan and 1999 backup Will from participating in Aiken cases. This placed the "I Feel Good" Trust, its copyrights and the 1999 Will in great jeopardy.

38. Since June 13 Russell and Sojourner have exacerbated the problem, causing millions of dollars of damage to the "I Feel Good" Trust, and threatening tens of millions of dollars of additional damage.

39. TODAY, September 24, 2014, AG Wilson and Russell claim public documents, subject to three 2008 unconstitutional gag orders of Judge Early, cannot be released under FOIA, and Judge Early refuses to conduct a hearing to declare them void or expired.

37. TODAY, September 24, 2014 AG Wilson claims the McMaster Legacy Trust does not exist even though it is suing Adele for tens of millions of dollars; is represented by NP; holds the copyright termination right of Louis' clients on August 10, 2008; and is subject to Adele's and Bob's counterclaims in the Wingate Suit.

38. TODAY, September 24, 2014, the motion to declare Bob's 2012 "settlement" in the Wingate Suit void is pending, and it should be declared void because it was made by Russell and Wingate, neither of whom had authority to speak for or bind the State/AG; it was concealed from the Supreme Court who had to approve it; more than $250,000 of Estate funds were used to secure releases in the Wingate Suit for Ms. Hynie, her son, and the McMaster Legacy Trust; and its attempt to prevent Bob from protecting himself or the "I Feel Good" Trust in *Wilson v. Dallas* was unconscionable and against public policy.

39. TODAY Bauknight continues as trustee of the McMaster Legacy Trust and as both agent and fiduciary for Ms. Hynie. He had been her principal supporter and voice for five years.

40. There is substantial evidence that Bauknight hired music professional

Peter Afterman, then allowed him to help Ms. Hynie try to terminate Brown's copyright transfers after the May 8 decision.

41. Since the June 13 Orders enjoined Bob, Adele and virtually every heir or other person seeking to enforce the "I Feel Good" Trust from the Aiken Tommie Rae case, Sojourner and Bauknight have allowed Bell and Louis to siphon off the less expensive contracts the Estate/"I Feel Good" Trust should now have with La Rhonda, Michael, Nicole, Lisa and other heirs.

42. The Attorney General, Louis and Bell allowed Bauknight to make repeated false claims to the Supreme Court about the value of Brown's assets, the Federal Copyright Act termination rights; Brown's heirs; and Bob and Adele.

43. Louis and counsel for Ms. Hynie announced on May 29, 2013 that they intended to reinstate the State's egregious takeover and giveaway of Brown's private property. Hearing this, AG Wilson withdrew from the Aiken cases, and is allowing it to happen.

44. The June 13 Orders and subsequent orders issued with nobody protecting the 2000 estate plan or the backup 1999 will have placed the "I Feel Good" Trust in greater jeopardy than ever before.

45. Bauknight, individually, the State/AG and the McMaster Legacy Trust, should bear the cost of the illegal Wingate Suit, but the Estate/2000 Trust must also be liable because it was a Plaintiff.

46. Bauknight, individually, and Forlando and/or Bell should bear the cost of the frivolous 4-year attempt to enjoin the 2000 Trust until the Cannnon Group returns, but Bob and Adele are entitled to be paid from the Estate/2000 Trust for this important defense. This is especially true in light of the damage caused by Russell's false claim to the Court that Forlando did nothing wrong, and that Bob and Adele counterclaims for attorneys' fees were meritless..

47. The IRS records must be corrected to show that Ms. Hynie is not Brown's spouse and that his music empire, Beech Island Home Estate and TPP were worth $100 million at his death, less the now-paid $15 million debt to the New York teachers ("TIAA").

48. Between May 26, 2009 and May 8, 2013, while Bob and Adele protected the Estate/2000 Trust, the Estate/2000 Trust (Bauknight) caused itself millions of dollars damage and made known false statements to the IRS and Courts, including:

A. The false statement that Brown's $85 Million estate was worth only about $5 million.

B. The false statement that Brown's $2 million of Tangible Personal Property ("TPP") was worth only $.5 million.

C. The false statement that there were problems with the Christie's sale.

D. The false statement that the Wingate Suit was legal.

E. The false statement that Russell was the agent for Ms. Hynie and the Attorney General.

F. The false statement that Wingate could legally be the sole attorney for AG McMaster (now AG Wilson), the McMaster Legacy Trust and Ms. Hynie.

G. The false statement that Forlando had done nothing wrong.

H. The false claim that Bob and Adele committed a federal felony.

I. The false statement that Ms. Hynie is the spouse and she and her son control the Federal Copyright Act termination rights.

J. The false claim that the McMaster Legacy Trust is not subject to FOIA.

The motion for PSJ by the Estate/2000 Trust in this matter is clearly distinguished from Plaintiff's motion for PSJ that the Estate/2000 Trust be directed to begin paying her allowed, liquidated, court-approved payments for periods prior to her May 26, 2009 replacement. These amounts are earning interest at 8 3/4%, and the PSJ motion is consistent with Judge Early's October 8, 2013 "double approval" of the same class of payment for Bob from Judge Early's January 8, 2008 Order. It is undisputed that Bob's and Adele's work at all times from March 7, 2007 until the summer of 2012 was joint.

This Return is supported by the Affidavit #1 of Adele J. Pope (Wingate Suit) filed herewith; the entire Aiken County record of which Judge Early has orally ruled he will take judicial notice; the hearing held October 8, 2013 in relation to Bob's claim; the

answers and counterclaims of Bob and Adele in the Forlando Federal Suit; and such additional Affidavits, memoranda and documents as shall be presented to the Court prior to the hearing in this matter scheduled for October 28, 2014.

Respectfully submitted,

Adele Pope

ADELE J. POPE
1228 Walnut Street
Newberry, South Carolina 29108
S.C. Bar No. 450

September 24, 2014

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF AIKEN)	Case No. 2013-CP-02-1337
)	
Adele J. Pope,)	MOTION TO COMPEL ATTENDANCE
Plaintiff,)	OF RUSSELL L. BAUKNIGHT AND
)	PRINCIPALS AND SUCCESSORS OF
v.)	THE JAMES BROWN LEGACY TRUST
)	AT COURT-ORDERED MEDIATION
Estate of James Brown, Deceased, et al.)	
)	
Defendants.)	
)	

IN RE: THE ABOVE MATTER AND

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF RICHLAND)	Case No. 2010-CP-40-4900
)	
RUSSELL L. BAUKNIGHT, as Trustee of)	
of the James Brown 2000 Irrevocable Trust)	MOTION TO COMPEL ATTENDANCE
and the James Brown Legacy Trust et al.,)	OF RUSSELL L. BAUKNIGHT AND
)	PRINCIPALS AND SUCCESSORS OF
Plaintiffs,)	THE JAMES BROWN LEGACY TRUST
)	AT COURT-ORDERED MEDIATION
v.)	
Adele J. Pope and Robert L. Buchanan, Jr.)	
)	

TO: RUSSELL L. BAUKNIGHT, ATTORNEY GENERAL ALAN WILSON, AND ALL PRINCIPALS, BENEFICIARIES AND SUCCESSORS OF THE JAMES BROWN LEGACY TRUST AND ITS ASSETS AND LIABILITIES.

YOU WILL PLEASE TAKE NOTICE that ten days after service hereof, or as soon as she may be heard on an expedited basis, and based on the letter of Keith M. Babcock of LEWIS, BABCOCK & GRIFFIN, LLP ("Lewis") dated January 6, 2015, attached hereto as Exhibit A, Plaintiff Adele J. Pope will move before the Honorable Doyet A. Early, III, for an Order requiring Russell L. Bauknight, Forlando Brown, and all

1-15-15

other Settlors, Principals, Beneficiaries and/or Successors to the assets and liabilities of The James Brown Legacy Trust ("Legacy Trust") to be physically present at the joint mediation being directed by the Honorable Doyet A. Early, III, and the Honorable L. Casey Manning, in this Case ("Case 1337") and in Richland County Case 2010-CP-40-4900 ("Case 4900").

The joint mediation, which is scheduled for February 13, 2015 will be the second mediation for Case 4900. The first Case 4900 mediation was held October 12, 2012. David Bell, Esq. ("Bell"), Louis Levenson, Esq. ("Levenson"), and Alan Medlin, Esq. ("Medlin") representing that they had full authority to act for, and bind, more than ten Case 4900 Plaintiff/Counterclaim Defendants, were allowed to attend in their stead.

The grounds of this motion are that the purpose of mediation is to allow the parties to attempt to settle a lawsuit, in this case two lawsuits. On January 6, 2015, Lewis, with the apparent consent of the Honorable Alan Wilson, in his capacity as Attorney General of South Carolina (the "AG"), advised Pope and Kenneth B. Wingate, attorney for the Legacy Trust in Case 4900, that the Legacy Trust has not existed since May 8, 2013.

Lewis' position directly conflicts with representations made by Wingate's law firm for the Legacy Trust in Case 4900 since 2013.

The Estate of James Brown refuses to pay Pope any portion of an allowed, liquidated, court-approved debt to Pope, which is accruing interest in favor of Pope at the rate of more than $130,000.00 per year, until the conclusion of Case 4900.

On information and belief, the Legacy Trust and/or its successor and/or principals, hold, either legally or equitably, and for the benefit of creditors of the Legacy

Trust, the following: household effect of James Brown; the Federal Copyright Act termination rights of at least five Brown heirs; and a 40-acre tract in Johnson Lakes Estates. These assets, and not needy students, should be the source of payment for any losses to Buchanan and Pope in Case 4900, as set out in their counterclaims.

The Legacy Trust, with all other Case 4900 Plaintiffs, is now in default as to Pope's counterclaims for abuse of process; fraud under Section 62-1-106; civil conspiracy; intentional interference with contract, and attorneys' fees.

On information and belief, the settlors, principals, beneficiaries and/or successors to the Legacy Trust include: Bauknight, the AG, Forlando Brown, Tommie Rae Hynie, and Venisha Brown.

This motion is based on the records in Case 1337 and the other James Brown cases, including Case 4900, of which Judge Early has agreed to take judicial notice. They show the following:

1. The Legacy Trust was formed on or before January 2009.

2. Termination rights were contributed before May 26, 2009. [Ord. Dtd 5/26/09]

3. On May 19, 2010, the Legacy Trust contracted with Wingate to sue Buchanan and Pope in Case 4900, and sued.

4. In October 2010, the Legacy Trust named felon David Cannon and his co-trustee Albert "Buddy" Dallas as witness against Buchanan and Pope.

5. In the fall of 2010, the Legacy Trust moved to be relieved from default in Case 4900 after failing to timely respond to Buchanan's and Pope's counterclaims.

6. In January 2011, Terry Brown and AG McMaster, with others, amended the Legacy Trust and Terry assigned his interest in the Legacy Trust to Forlando.

7. In January 2011 the website of Kilpatrick Stockton was amended to add an incorrect claim that KS attorney Rob Potter had "halted" the 2008 GRAMMY sale.

The claim was incorrect, and Potter did not know about it. On information and belief, the incorrect claims were the result of action of Bell and/or the Cannon Group, who have had ties with KS since the 1999 James Brown TIAA deal.

8. In January 2011, Sr. Assistant AG Sonny Jones distributed the Legacy Trust's amendment and assignment to Forlando to the settling parties.

9. Since August 2011 the Legacy Trust has resisted FOIA compliance and attempted to have a Legacy Trust/AG FOIA suit seeking the public $4.7 million at-death appraisal of Brown's assets consolidated with Case 4900.

10. As is shown on Exhibit B, between November 8 and 16, 2011 Forlando and Terry had a falling out with Bauknight, trustee of the Legacy Trust.

11. On or about November 18, 2011, Forlando terminated William Custer, Esq., his attorney in the January 2008 frivolous federal suit to enjoin the 2000 Trust until the Cannon trustees were reinstated.

12. In December 2011, Forlando was given 45 days to find a new lawyer.

13. On April 13, 2012, Forlando concealed his ownership interest in the Legacy Trust. He told the federal just he had no assets, and no expectancy from the James Brown settlement unless Terry died. This was false.

14. On April 13, 2012, the Court, at Forlando's request, dismissed Forlando's suit against the 2000 Trust, Buchanan and Pope.

15. In July 2012 the Estate of James Brown advanced $500,000 to Buchanan to obtain a release for the Legacy Trust and others in Case 4900.

16. On October 12, 2012 Bell attended most of the Case 4900 mediation as Terry's agent, with full authority to settle Pope's counterclaims against Terry. Bell concealed the fact that Forlando owned Terry's share of the Legacy Trust.

17. In late 2014 Tommie Rae Hynie represented to the Aiken Court her belief that the settlement between Hynie, Levenson and Bell still exists, and is binding, despite the Supreme Court's voiding the settlement with the AG. The opinion of Lewis' letter is inconsistent with Tommie Rae's claim.

18. Wingate represents the Legacy Trust, Tommie Rae, and other Legacy Trust principal, beneficiaries, and successors if it is dissolved.

19. The attendance of Trustee, principals, beneficiaries, and successors to the Legacy Trust is necessary because Wingate cannot speak for these diverse interests at this important mediation.

Respectfully submitted,

ADELE J. POPE
1228 Walnut Street
Newberry, South Carolina 29108
S.C. Bar No. 450

January 13, 2015

A. CAMDEN LEWIS
KEITH M. BABCOCK
JAMES M. GRIFFIN
ARIAIL E. KING
MARGARET N. FOX*

* ALSO ADMITTED IN N.C.

OF COUNSEL
J. RYAN HEISKELL
ALSO ADMITTED IN D.C.

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January 6, 2015

Adele Pope, Esquire
1228 Walnut Street
Newberry, South Carolina 29108

Re: FOIA Request dated December 22, 2014
Our File 11-150

Dear Adele:

With regard to your December 22, 2014 Additional FOIA Request to The James Brown Legacy Trust ("Legacy Trust") and others, again please be advised that the court approved Legacy Trust has no legal existence. The Legacy Trust was not funded while the case was on appeal. In *Wilson v. Dallas* (Op. No. 27227, May 8, 2013), the South Carolina Supreme Court overturned the settlement agreement creating the Legacy Trust. Thus, the Legacy Trust does not exist as a legal entity and cannot respond to any FOIA request. The Legacy Trust has no successors that can respond to any FOIA request.

Furthermore, as we have stated before, the Legacy Trust, even in its tenuous existence during the appellate process, was not a public body subject to FOIA. Under the plain language of S.C. Code 30-40-20(a), trusts are not included as a "public body" under the act. Thus, your December 22, 2014 request to the Legacy Trust is improper.

With best regards, I am

Very truly yours,

LEWIS, BABCOCK & GRIFFIN, L.L.P.

Keith M. Babcock

cc: The Honorable Alan Wilson
Kenneth B. Wingate, Esquire

Deputy Clerk

Exhibit A

Exhibit B

From: Adele Pope <adele@popelawfirm.com>
Sent: Monday, January 12, 2015 10:24 PM
To: adele@popelawfirm.com
Subject: FW: Events of November 15, 2011

From: Custer, Bill [mailto:Bill.Custer@BryanCave.com]
Sent: Wednesday, November 16, 2011 10:49 AM
To: Sonny Jones; Mattbodmanlaw@aol.com; 'Russell Bauknight'; David Bell; Lori; Lou L; amedlin@sc.rr.com
Cc: Beth Bauknight; Jennifer Dempsey; William Shearer; Fred L. Kingsmore; William Y. Klett
Subject: RE: Events of November 15, 2011

Russell:

Thank you for your email, but I have been in New York and involved in other matters here in Atlanta and have not had the opportunity to respond to the email of Freddie Kingsmore or his calls yesterday.

Neither I nor my firm are representing Forlando Brown or Terry Brown in any of these matters and I do not intend to get involved in these matters despite the fact that people continue to send me emails about them. My current representation of Fonando Brown is limited to the federal court litigation.

All the best,

Bill

William V. Custer

Partner

One Atlantic Center | Fourteenth Floor | 1201 West Peachtree Street, NW | Atlanta, GA 30309-3488

t: 404.572.6828 | f: 404.572.6999 | e: bill.custer@bryancave.com

From: Russell Bauknight [mailto:rbauknight@BPSCPAS.COM]
Sent: Wednesday, November 16, 2011 10:31 AM
To: Sonny Jones; Lou L; Lori; amedlin@sc.rr.com; David Bell; Mattbodmanlaw@aol.com
Cc: Kingsmore, Fred L.; Klett, William Y.; Beth Bauknight; Custer, Bill
Subject: Events of November 15, 2011

To all:

Yesterday was a very eventful day, though in a very disturbing way. I want to take this time to update you so that you may disclose information to your clients if you deem necessary or desirable. I will be as brief as possible with the description, but please bear with me, a lot happened in a very short period of time.

I think it best to present this in timeline format for ease in understanding the flow of events:

November 8, 2011: I received a call from Forlando Brown asking to be allowed a "walk-through" of the residence and grounds. Forlando said "I am writing a book and would like to relive the fond memories of growing up a grandson of James Brown. Walking through the home and grounds will jog the memories of the experiences I had when I was a child". He offered to pay for my time or for the time and expense to arrange such a visit. I explained to Forlando that a "walk-through" in my view is a normal request and that I had been asked by others for the same opportunity. I would work out the details of the visit, but asked him to put the request in writing for my files. I also explained that there would be no charge to him for such a visit as I had not considered this something to charge for from any person connected with this Estate/Trust and that I worked out these visits for times when I would have people on site doing other work for the Estate/Trust.

November 9, 2011: I received the following e-mail from Forlando:

> Russell,
>
> Let me begin by saying thank you for assistance in doing this research. I am appreciative. To try and make the research go forward in a streamline fashion, I have outlined some dates and given total specifics of what I'm looking for in research. I am also bringing with me a writer/researcher with me to take down my thoughts as they occur in the moments as I am walking around.
>
> James Brown Research:
>
> A visit to the home/warehouse of storage of sex suits/boots (not just one pair, but several to get a sense of style and charisma) on the following dates: Nov. 14, 2011 or Nov. 16, 2011. As we talked, I also will have my dad with me for which ever date is agreeable with your calender. What I'm looking for there is a walk through the home and around the barn/garage area. This will bring back untold stories of rare moments with my grandfather.
>
> Specific items:
> (I understand these items may take time to assemble, if you even have them or know that you might have them, just simply due to the amount of materials)
>
> School records, health records, parole papers (these would have names of people he had contact with during his early life - schoolmates, his former boxing coach (I should remember his name, but I just can't recall at the moment), employers, etc - people that I can ask questions about how my grandfather was younger. I feel you can't know where you are going, until you know where you have been. Getting these insights will allow a stronger look at myself, through family history, to bring out my flaws/shortcomings that relate to all the instructions and anecdotal comments my grandfather gave me. Also, draft cards (army/armed forces - I know my great-grandfather Joseph Brown was in the U.S. Navy, perhaps his papers if my grandfather kept them), letters he may have written, old pictures of friends, celebrity friends, as well, and family pictures. Just really early materials, maybe even a birth certificate would be useful. And, even if he were not born in a hospital, it would give the midwife or county - everyone is counted in the census.

These are what I'm specifically looking for in doing my research. Again, amidst all the issues you are dealing with, Russell, I appreciate your cooperation.

Kindest Regards,

William J. Brown

November 10, 2011: I responded to Forlando with the following e-mail:

Forlando,

I want to clear up a couple of items in your e-mail. As we discussed, I cannot assist you in "research". I offered to arrange a visit to the home and encouraged you to bring your father. I cannot allow a "writer/researcher" on the property. This request was addressed with the same results for other persons.

While we do have "off site" storage of certain property, I currently do not allow access to that site. I do not allow photos of the interior of any of the property, and have allowed only limited images of the exterior depicting only what I deem to be appropriate. I will not allow examination of documents at this time for several reasons to include that these documents are historical irreplaceable items and will only be handled by trained professionals chosen by me, experienced with preserving such items.

Other items you describe have been sold at the Christies auction or may be on loan to certain museums. While no one is authorized to access items on loan, you are welcome to visit the various museums to view the displays/exhibits.

Finally, the only time I will assist with research is when it benefits the Estate/Trust (such as with respect to a movie, documentary or other form of presentation for which the Estate/Trust is being paid).

If you care to set up a visit to the home (by you and or your father), I will arrange that. Again, the handling of property, photographs of property or really anything that is more than simply a "walk-through" (accompanied by me or my staff) is not allowed at this time.

Russell

This correspondance generated the following responses from Forlando (note one to me and a separate e-mail to Fred Kingsmore):

Russell,

I appreciate your cooperation and your concerns. Let me try and be more specific. In terms of a "writer/researcher", as in a court room, you have a reporter to be sure nothing is missed for the record. This person will be acting in that same fashion. They are not to write anything down, photograph any item or record any audio for profitable or any other use that is inappropriate. This individual is strictly there to serve me as memory recall for certain stories, anecdotes, etc. that may arise as we proceed through each area. I agree with you that these assets are valuable and irreplaceable and should only be handled by professionals. As I stated to you in our earlier phone conversation, I am ready and willing to provide funding for preferred professionals to touch or move any item that may be useful during this process. I also stated, I am willing to compensate the estate for anytime you, or your staff, might be asked to put toward this matter.

While you do have concerns for "off site" storage, I as a beneficiary have a right to know my assets are being protected, stored, handled and used appropriately. I am sure you would not disagree. I agree with your fiduciary responsibility to protect my assets, but certainly not to protect them from me, a beneficiary. I am sure I do not have to point out that long before you came into relevance, I touched, looked and lived with these items for decades. You can be assured, that I maintain a complete understanding in protecting these assets that benefit me, and, I hold you responsible for those assets full protection.

I hope this e-mail clears any concerns you may have had about any inappropriate profitable use of assets under my request for a "walk-through" of the home, as well as, "off-site" storage. Let us try and work together, as oppose to any further disagreements. As requested earlier, a visit to the home/warehouse of storage of sex suits/boots (not just one pair, but several to get a sense of style and charisma) on the following dates: Nov. 14, 2011 or Nov. 16, 2011 is still desired. As we have talked, I also will have my dad with me for which ever date is agreeable with your calender. What I'm looking for there is a walk-through the home and around the barn/garage area. This will bring back untold stories of rare moments with my grandfather.

Again, I look forward to your cooperation. It is my hope we can work together to ensure a legacy continues, rather than, up to this point, secretive and back-room dealing by so many involved in this matter unwillingly to let beneficiaries view their property. I know you understand.

Kindest Regards,

William James Brown

Mr. Kingsmore,

I hope you are doing well. I recently e-mailed Mr. Bauknight on viewing the home of James Brown, as well as, any "off-site" facility or storage where assets may be kept. I also called and was told I would receive a phone call in return. I did not. I am unaware of Mr. Bauknight's schedule, therefore I am contacting you, as his counsel to get a response. I have a defined schedule, and desire a response for my prior request. Mr. Bauknight, prior to my latest communication with him, stated he would not allow my father and I any third-party to assist in research. Notwithstanding, I have responded to Mr. Bauknight clarifying that this third-party is not allowed to photograph, create any audible record or touch any items. He is strictly present to assist me in memory recall as I discuss moments with my grandfather, be it anecdotal or otherwise. Mr. Kingsmore, as you are aware Terry Brown still maintains his due diligence of exclusivity until the end of the 2011 year. We have requested a walk through of the home, as well as, "off-site" facilities, and a full list of museums or other facilities where items are being stored or displayed.

I look forward to a prompt response so that we may schedule the earlier offered dates of Nov. 14, 2011 or Nov. 16, 2011, whichever is agreeable to Mr. Bauknight's calender. Freddy, I appreciate your cooperation.

Kindest Regards,

William James Brown

This string of e-mails generated correspondence between my attorneys and Forlandos' attorney (he included them in his correspondence to Mr. Kingsmore). We have communicated to Bill Custer that I have policies in

place that are designed to protect the assets of the Estate/Trust, but at the same time I accommodate reasonable requests to visit the property. To date no response from Bill Custer has been received.

November 15, 2011:

(I) I had previously arranged for three of my staff to be at the residence to meet with representatives of the Augusta Museum to pick items to be used in a display/exhibit at the Augusta Regional Airport. In addition, I had arranged at Deanna's suggestion for time to be made for a photo of the front exterior of the home to be taken for Estate/Trust publicity. Deanna graciously arranged through her contacts to have the Augusta Chronicle take this photo. This photo was to be taken at approximately 2:00 pm. The person from the Chronicle was not to be allowed in the home or to photograph any other portions of the property.

(II) Nancy and Amanda from the museum were assisting with the selection project when Nancy apparently was talking while backing up. Nancy fell down a step and hit her head on the tile floor. She received a cut to her head and was complaining of pain to her arm/shoulder area. Nancy was taken to the hospital where she received glue type treatment for her wound (she told them she did not like needles and preferred the glue to stitches) and was examined for other injuries. We continue to check on her progress and well being and as of this morning were told that in addition to the head injury, she had fractured her elbow. We have notified our insurance carrier of the incident though at this time nothing has been discussed with respect to any claim issues. Our three staff members have completed initial write-ups of the occurrence for our files. Also note that I was informed immediately of the accident by telephone.

(III) While doing their write-ups, (approximately 1:45 or so) someone was heard at the door calling "David...David". Beth and David Washington went to the door and on the porch. They were startled to find Terry Brown on the driveway, walking toward the door. Terry said hello to David and said he wanted to go into the home for a visit. Beth did not know who Terry was (she had not previously met Terry) and initially thought that the man was an acquaintance of David which all concerned knew would be an unacceptable situation. Beth asked Terry who he was and how he got onto the property (the gate is kept locked at all times even while David Washington is on site working). Terry told Beth who he was and that he "hopped the fence" and walked down the driveway. He told Beth that he would like to visit the home. Beth explained that she could not grant permission to anyone for such a request and that I was the only person that could arrange such a visit. She explained to Terry that he should submit the request in writing and that I would provide five possible dates for such a visit to be made. Beth called me immediately to tell me of the presence of Terry Brown on the property. I spoke with Terry and told him of the process I used though he simply would not stop talking and complaining long enough for me to complete a sentence. After several minutes of trying to communicate with Terry to no avail, I informed him in no uncertain terms to immediately leave the property or he would be arrested for trespassing.

(IV) Terry was transported by golf cart to the gate (David accompanied him). At the gate, Forlando and another man (we believe this person to be the writer/researcher that Forlando referred to in his e-mail) were waiting. Our supposition is that Terry was used by Forlando in an attempt to gain unauthorized access to the property in an effort to examine Estate/Trust property for use in his book as described in his earlier e-mails. We certainly have no such proof of that and do not accuse him of such, it is only supposition at this time.

(V) As you may have heard, at 9:00 am on the 15th the Richmond County (Georgia) Sheriff's Department was investigating the theft of a tractor trailer. Aiken County deputies found the rig in Beech Island. Two suspects were being sought in connection with the theft and one was found by deputies using K-9's (search dogs). One K-9 was stabbed and one deputy was injured in a fight that ensued. One suspect remained at large with a large scale manhunt by SLED, Aiken County Sheriff's Department with assistance of the Richmond County Sheriff's Department. Over 60 law enforcement vehicles were observed by our staff in and around the area they were working. Our staff (including David Washington) was asked for identification by law enforcement as they went

about their business. All of this activity was occurring at the same time as the incidents described above.

(VI) At 2:00 Deanna and the person from the Augusta Chronicle arrived at the gate. I attempted to contact Deanna to postpone the visit due to the activities and issues described above. Deanna saw Terry, Forlando and the third male participant at the gate, said hello and hugged Terry and then left the scene. I spoke with Deanna to explain what was happening and she quickly volunteered to arrange a different time to take care of the photo shoot.

As you might imagine, yesterday and last night were very hectic. It was not the best day we have experienced with the Estate/Trust. I remained concerned for Nancy as I am sure you all do. I am very concerned about the attempted unauthorized entry to the home and property by Terry, Forlando and their third party. This act on their part raises extreme concern for the safety of our staff, for the safety of Mr. Washington and the safety of the assets owned by the Estate/Trust of James Brown.

I am concerned that as yet we have not heard back from Bill Custer regarding his clients actions. In my presence, I know that Fred Kingsmore has attempted to contact by phone and at least two e-mails to Mr. Custer.

I would like your input and comments with respect to the issues described. If you believe a meeting of the group is desirable, I will arrange that.

Russell Bauknight

BAUKNIGHT PIETRAS & STORMER, P.A.
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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

CIRCUIT COURT

RUSSELL L. BAUKNIGHT, *ET AL.* V. ADELE J. POPE.
Docket No. 2010-CP-40-4900

11.6 2015
C.C.P. & G.S.
Deputy Clerk

And

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

CIRCUIT COURT

ADELE J. POPE, V. ESTATE OF JAMES BROWN, DECEASED, *ET AL.*
Docket No. 2013-CP-02-1337

PROOF OF ADR

1. Alternative Dispute Resolution (ADR) was conducted in the form of: **Mediation**.

2. The neutral was: **Karl A. Folkens.**

3. The ADR was conducted on **October 22, 2015**.

4. As a result of ADR, this case should be considered (please check one):

_____ Fully Settled by Consent Judgment or a Voluntary Dismissal to be filed by the parties.

_____ Partially Settled, with agreement of the parties on the following issues:

__X__ At an impasse.

_____ In need of further ADR. I ____ am / ____ am not willing to mediate this case further.
I recommend that ADR resume as of:

_____ Continued to (Date):

5. Parties present: *Russell L. Bauknight, Deanna Brown Thomas and Adele J. Pope were personally present. All other parties on all sides in both actions were present through representatives (except for Robert L. Buchanan, Jr., designated as an "interested party" in Case 1337 caption).*

6. Other participants were:

__X__ Lawyers: *Mark V. Gende, Esq.; Kenneth B. Wingate, Esq.; John W. McIntosh, Esq.; J. Emory Smith, Jr.; Esq.; Mary Frances Jowers, Esq.; C.H. "Sonny" Jones, Jr.; Esq.; Fred L. Kingsmore, Jr., Esq.; J. David Black, Esq.; William Barr, Esq.; Louis Levenson, Esq.; S. Alan Medlin, Esq.; Matthew D. Bodman, Esq.; David B. Bell, Esq.; Scott Keniley, Esq.; John A. Donsbach, Esq.; W.H. Bundy, Jr., Esq.; Adam T. Silvernail, Esq.; Daryl L. Williams, Esq. and Adele J. Pope, Esq. (pro se in Case 1337)*

__X__ Representative for insurance carrier: *Warren C. Powel, Jr., Esq. for ALPS*

_____ Experts:

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF NEWBERRY	)	Civil Action No.: _____
		2016-CP-36-00116
Susan D. Summer,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**COMPLAINT**
	)	**(Violation of FOIA For Release of Public**
Alan Wilson, in his official capacity as	)	**Information Used By Defendant)**
Attorney General of South Carolina,	)	**NON-JURY**
	)	
Defendant.)		

FILED
2016 FEB 16 PM 3 36
CLERK OF COURT
NEWBERRY COUNTY, SC

The plaintiff alleges as follows:

FOR A FIRST CAUSE OF ACTION
(Request for Declaratory Judgment)

1. Plaintiff Susan D. Summer ("Summer") is a citizen and resident of Newberry County, State of South Carolina, and she is a long-time journalist and an individual member of the South Carolina Press Association. She is a free-lance journalist for the Newberry Observer.

2. Defendant Alan Wilson ("AG") is the current Attorney General of the State of South Carolina. By virtue of his position, the AG and his office is a public body under the Carolina Freedom of Information Act, SC Code §30-4-10, et seq. ("FOIA").

3. This action is one for declaratory judgment (and injunctive relief) pursuant to SC Code §15-53-10, et seq. There exists a justiciable controversy as set forth herein.

4. The defendant is subject to the jurisdiction and venue of this Court pursuant to SC Code §30-4-20(a) and SC Code §30-4-100, and he may be served with summons, process and copy of this Complaint at the Rembert C. Dennis Building, PO Box 11549, Columbia, SC 29211-1549.

5. Pursuant to FOIA, any person has a right to inspect and copy any public record of a public body.

6. In 2011, the plaintiff became interested in a matter relating to the estate of music legend and public figure, James Brown, who died a resident of Aiken County, SC in December of 2006.

7. Upon information and belief, Defendant Wilson and his predecessor Henry McMaster, in their official capacity as AG, exercised control over the James Brown Music Empire from August 2008 until May 8, 2013, through their assertion of a right by the AG to remove and replace at will the fiduciary managing Brown's music empire. This assertion arose from the McMaster settlement agreement, which was overturned by the South Carolina Supreme Court in May 2013.

8. The plaintiff took an interest in writing about the James Brown Estate in August 2011 because certain cases filed in Newberry County were related to the FOIA, the integrity of which is critical to the successful practice of investigative journalism, as well as to accountability in government. While writing about the FOIA lawsuits, she became interested in the estate itself. She had served about 20 years on and was then-chairman of SC Foster Care Review Board 8-A, which in 2013 would be selected SC Review Board of the Year. Plaintiff had a long-time concern about SC children who have few resources and little hope, and James Brown's estate set up a trust, the "I Feel Good" Trust, which intended to provide millions of dollars to help educate children who are struggling to lift themselves out of poverty. Since 2011, she and many readers of The Newberry Observer and other publications have wanted to know what is happening to James Brown's estate plan and his gift to needy children. Having learned that his estate plan was changed with the active assistance of the AG, the plaintiff proceeded to write stories about Brown's estate and changes to his estate plan.

9. Since August 2011, Summer has written articles that were published in the *Newberry Observer* and elsewhere that were related to Brown's music empire and his assets and other issues relating to the Brown Estate, such as the settlement agreement entered into by defendant's predecessor, former AG Henry McMaster.

10. For many years, the AG's office has announced the following policy with regard to FOIA requests: "When in doubt, produce the documents requested."

11. The plaintiff and defendant were engaged in prior FOIA litigation, in the case of Summer v. Wilson, Civil Action No, 2012 CP 36-00688. In that case, this Court issued an Order filed January 16, 2015, in which all documents listed on the AG's privilege logs were ordered to be produced. The Order also determined, based on representations of the AG, that the AG's office did not have possession of certain documents relating to the $4.7 million at-death appraisal of the James Brown music empire. The Court found that it could not order the AG to produce documents he did not have.

12. Subsequent to the Order of January 16, 2015, Plaintiff Summer made a FOIA request to the AG (not part of this suit or the prior FOIA suit) on April 26, 2015. On June 13, 2015, Plaintiff Summer received a response dated June 12, 2015, from Assistant AG Marcie Greene. This response included emails to the Office of the AG relating to a strategy being developed on December 17, 2010, about not filing the $4.7 million appraisal until after certain reply briefs were filed on behalf of the AG in the appellate case which resulted in the Wilson v. Dallas decision. Attached as Exhibit A is a copy of the letter of Assistant AG Greene dated June 12, 2015, with the attached emails to assistant AG's and others from the Nexsen Pruet law firm. On information and belief, Nexsen Pruet has represented Columbia CPA Russell L. Bauknight since he was designated by the AG to manage the James Brown music empire.

13. Receipt of this email by plaintiff added tangible support to her earlier belief that the Office of the AG had, in fact, "used" the appraisal documents, thus making them subject to production under FOIA, SC Code §30-4-20(c).

14. On or about August 19, 2015, Plaintiff Summer in the prior FOIA suit No. 2012 CP-36-0688 filed a motion for additional information (based ... after-discovered evidence) that the Court direct the production of all documents relating to the $4.7 million appraisal. In an Order dated September 11, 2015, The Honorable Eugene C. Griffith, Jr. declined to rule on Plaintiff's Motion for the additional documents. Further, the judge ruled that prior to the receipt of the motion, the Court had already ruled upon the only remaining issue before the Court at that time which was the issue of the attorneys' fees for the plaintiff.

15. It is a matter of great importance to the public that FOIA should be applied in strict accordance with its provisions. SC Code §30-4-20(c) provides in pertinent part that (regardless of whether it has possession of a document) if a public body "uses" a document, it must be produced under FOIA.

16. The General Assembly made specific findings set forth SC Code §30-4-15 that it is vital in a democratic society that public business be performed in an open and public manner and that the provisions of FOIA must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the person seeking access to public documents or meetings.

17. The Supreme Court of South Carolina has consistently interpreted FOIA in accordance with the findings of the General Assembly and has in fact interpreted FOIA to convert even a private document into a public record if it is in the possession of, or has been used by, a public body. SC Department of Revenue v. Gas[illegible] Copper Recycling Corp., 447 S.E.2d 843 (1994).

18. On October 21, 2015, Plaintiff Summer made a FOIA request to defendant requesting the documents related to the $4.7 million valuation of the James Brown music empire which had been "used" by the Office of the Attorney General. This request is attached as Exhibit B and incorporated by reference.

19. The FOIA request of plaintiff (Exhibit B) requested copies of the following:
    (a) at-death appraisal of James Brown's music empire; and,

    (b) supporting documents for the appraisal, including "any documents or financial records provided to the appraiser; any reports or documents or financial records for corporations or LLCs connected to the estate; all documents related to how the appraisal was generated; all documents, personal, business, or other correspondence, notes of telephone calls, written records, emails and communications of any sort or in any way, whether with those of your office and/or with any agent of the Attorney General (i.e., appointed by and serving at the pleasure of), whether in person or through any other means, whether directly or through an intermediary or third party."

20. On November 17, 2015, defendant responded to plaintiff's FOIA request of October 21, 2015. Said response is attached herewith and incorporated by reference as Exhibit C.

21. In this FOIA response, defendant asserted that all documents relative to the FOIA request had already been produced and further took the position that his office was not required to produce any documents not in its possession and that his office had no additional public records other than those previously produced.

22. The focus of this litigation is to apply FOIA in its literal terms as stated in SC Code §30-4-20(c) and in accordance with the mandates and rulings of the Supreme Court of South Carolina.

23. In the previous litigation (Case No. 2012-CP-36-0688), there may have been insufficient evidence in the record that the Defendant had in fact "used" the appraisal documents until after the Judge issued his order of January 16, 2015. Such use, however, was affirmed on June 13, 2015, when in response to a FOIA request, Plaintiff Summer received the AG's December 17, 2010, emails. (See Exhibit A) The emails should have been produced in Case No. 12-0688 and were not. The emails make it clear that the Office of the AG had, in fact, "used" the $4.7 million appraisal in developing a legal strategy in Wilson v. Dallas.

24. For the purpose of this action, Plaintiff has relied on the assertion that the Office of the AG does not currently possess, nor did it possess at the time of Case No. 12-0688, any of the requested documents (i.e., the at-death appraisal of James Brown's estate and music empire and supporting documents for the at-death appraisal of the James Brown music empire).

25. The following factors developed or expanded since the compliance order in Summer v. Wilson (Case No. 2012 CP 36-0688) show that it is inescapable that the Office of the AG "used" the requested documents:

(a) The May 19, 2010, Complaint of Attorney General McMaster and others in Richland County (Case No. 2010 CP 40-4900) and subsequent filings therein by Attorney General McMaster and by Attorney General Wilson, show on their face that Russell Bauknight was acting "on behalf of" the Attorney General. (See Exhibit D).

(b) The August 23, 2010, Return to Appellants' Request for Extension in Wilson v. Dallas was filed by Attorney General McMaster (not by Bauknight) and signed by Senior Assistant Attorney General Jones – in that Return, the Attorney General "used" the at-death value to refute a claim that the settlement harms needy students. Further, in that Return, the Attorney General refers to completion of a professional appraisal being "a couple of weeks away" and that preliminarily it is expected that the date of death value of the estate and trust "will not exceed $12 million. (See Exhibit E).

(c) The December 17, 2010 emails among various employees of the Attorney General discuss the use of the $4.7 million appraisal in the Wilson v. Dallas appeal – these emails were produced by the Attorney General under a FOIA request dated June 23, 2015. (See Exhibit A). Those who received the email included private attorney Alan Medlin, who represents a co-plaintiff, Tommy Rae Hynie Brown, who alleges to be the spouse of decedent James Brown.

(d) On May 6, 2011, there was a motion by the Attorney General and others in the Wilson v. Dallas case to supplement the record on appeal with the $4.7 million valuation.

(See Exhibit F). The Attorney General "used" the $4.7 million appraisal to support his assertion in that matter that Brown's music empire was not worth the $80 million that the previous trustee had claimed but less than $5 million.

(e) On March 14, 2013, there was a filing of a "Petition of Respondent James B." in Wilson v. Dallas in which James B., a plaintiff who shares counsel with the Attorney General and Bauknight in Case No. 4900, demonstrated an indepth knowledge of the $4.7 appraisal documents.

26. Taken together, these documents demonstrate that the AG has extensively used the $4.7 million appraisal since 2011 and that it has been used by his agents and attorneys, as well as by other Case 4900 plaintiffs.

27. The defendant has failed and refused to deliver documents responsive to plaintiff's FOIA request. Said withholding of information is a violation of law, and plaintiff has no adequate remedy at law.

28. Plaintiff requests that this Court grant plaintiff declaratory relief by finding that the defendant, having "used" the documents requested, these documents are considered public documents and should be obtained by the Office of the AG and produced to the plaintiff.

29. Based on the above, plaintiff is informed and believes that this Court should grant plaintiff declaratory relief by finding the defendant in violation of the FOIA in each and every instance herein and that the Court should enter an Order requiring defendant to produce the documents requested herein.

30. This Court should declare that the defendant's refusal to produce the documents requested by plaintiff is a violation of law.

31. Such violation of law is a ***fortiori*** irreparable injury and such irreparable injury entitles plaintiff to injunctive relief.

32. Because plaintiff has been irreparably injured by defendant's refusal herein, the defendant should be enjoined from withholding such information.

33. Plaintiff is also informed that she should prevail and that if she prevails, in whole or in part, she is entitled to reasonable attorneys' fees and costs of litigation pursuant to SC Code §30-4-100.

34. This Court should enter an Order awarding plaintiff such fees and litigation expenses pursuant to the above statute

WHEREFORE, plaintiff prays that this Court issue its Order as follows:

a. setting a hearing on the matters set forth herein at the earliest possible time;

b. declaring that the above described documents were in fact "used" by the Office of the Attorney General and, therefore, are public records under South Carolina law (FOIA) and that such records should be made available for inspection and copying to the plaintiff as provided by law;

c. compelling defendant to obtain these documents which the Office of the Attorney General used from any intermediary, agent or attorney who currently possesses said records and permitting plaintiff to have copies of said public records;

d. compelling defendant to perform his official duty by permitting plaintiff to inspect and copy said public records;

e. enjoining defendant from violating the Freedom of Information Act insofar as the subject matters sought by plaintiff herein; and,

f. ordering defendant to pay plaintiff reasonable attorneys' fees and other litigation expenses incurred in pursuing this case pursuant to S.C. Code §34-4-100.

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Attorneys for Plaintiff Susan D. Summer

February 15, 2016

The Supreme Court of South Carolina

Alan Wilson, et al

v.

Albert H. Dallas, et al

Appellate Case No. 2009-142286

RECEIVED
MAY - 8 2015
S.C. Supreme Court

Status Report

I conducted a status conference on May 29, 2013 concerning the remand of the Wilson v. Dallas appeal. All parties through their attorneys and some claimants were present. The paramount theme of the meeting was to insure that all remanded matters were to be moved forward in an expeditious manner concomitantly with a structured and efficient administration of the estate and trust. An administrative order was issued on June 13, 2013 which addressed all mandates of the remand and segregated all of the various matters, claims and challenges to the will and trust and identified the proper parties to each respective case. (I will make reference to many orders in my status report. I am not making them exhibits. I believe copies to all orders have been provided to the Court pursuant to previous order. If the Court requires any of the mentioned orders, they are readily available. Please let me know.)

I will first update the status of the litigation. At the time of the remand, the will and trust litigation involved claims challenging the validity of the will and trust, spousal claims and an omitted child claim. By order dated December 16, 2013 Tommie Rae Brown's claims for an omitted spouse's share of the estate, her claim for an elective share and James Brown II's claim for a pretermitted child share of the estate were all severed so each case could move forward, without interference from other cases and to facilitate efficiency. By order dated February 7, 2014 the parties were identified for each respective case. Tommie Rae Brown and James Brown, II were designated as petitioners in their respective actions. The respondents were David C. Sojourner, Jr. in his capacity as Limited

Special Administrator and Limited Special Trustee and all Devisees of the Will who are Deanne Brown Thomas, Yamona Brown, Vanisha Brown, Larry Brown, Terry Brown and Daryl Brown. By order dated January 22, 2014 Jeanette Mitchell was granted her motion to intervene in these three cases.

James Brown, II's case has been resolved. By consent order dated May 8, 2014 the parties reached an agreement regarding the DNA test as to the paternity of James Joseph Brown, II. It required the minor child to submit to DNA testing. The protocol, test results and other confidential matters were subject to a protective order dated May 21, 2014. DNA samples were taken from the child on June 11, 2014 and from James Brown on December 25, 2006. The conclusion reached by the examiner showed a combined paternity index of : 1,087, 652 to 1 and a probability of paternity of: 99.99%.

Based on the test results the parties have agreed that Mr. Brown was the father of James Brown, II. A consent order has been circulated and awaits my execution if the stay is lifted.

Tommie Rae Brown's omitted spouse's share and/or elective share claim hinges on whether or not she was the surviving spouse of Mr. Brown. Both Tommie Rae Brown and the Limited Special Administrator filed requests for summary judgment for a determination of whether she is the surviving spouse of Mr. Brown. Each side submitted very detailed memoranda in support of their respective positions. The hearing was attended by all counsel representing all parties to this matter and related Brown Estate cases. Prior to the motions being heard, while discovery matters were being addressed, I strongly urged the parties to agree on a joint stipulation of the facts to eliminate any argument that factual issues precluded Summary Judgment. The parties, after much discussion, finally agreed to a Joint Stipulation of Facts. (This is attached, I do not believe the Court received a copy with the other orders).

After thorough deliberation, by order dated January 13, 2015, I granted Tommie Rae Brown's motion for summary judgment holding she was the surviving spouse of Mr. Brown. The factual basis, conclusions of law and

explanation of my decision are set out in the order. Motions to Reconsider are pending and I have held them in abeyance pending the status of the stay.

I specifically reserved for future determination the validity and effect of the prenuptial agreement. This was set forth in the order. My ruling is subject to the motions to reconsider and/or any appellant review; at which time the prenuptial agreement may or may not be an issue.

The litigation of the challenges to the Will and Trust is still outstanding. Discovery is being conducted. At the last status conference I requested a scheduling order with a day certain trial to be set no later than February 2016. This proposed order was being circulated at the time of the stay. We are also waiting on the court schedule for the first six months of 2016 to firm up the trial date. The parties to this case are correctly identified in the Wilson v. Dallas case, Appellate Case No. 2009-142286 except by my administrative order dated June 13, 2013 Adele Pope, Robert Buchanan, Alfred Bradley, Albert Dallas and David Cannon have been removed.

The following persons have been determined to be heirs: James Brown, II, as earlier reported, Michael Dean Brown as per my order of April 22, 2014 (probability of paternity: 99.99%), Lisa Marie Brown Sims a/k/a Lisa B. Sims as per my order of November 18, 2014, Sara Latonya Brown Fegan as per my order of December 18, 2014, Jeanette Mitchell as per my order of January 22, 2015, La Rhonda Petitt has filed a claim that she is entitled to an intestate share of Mr. Brown's estate, she presented a paternity test result in her pleadings revealing a 99.99% likelihood paternity by Mr. Brown, however, it appears she has not sought an order confirming her status as an heir. A person identifying himself as Kevin Jones from Louisiana has never filed pleadings, but has written letters saying he is Mr. Brown's brother, he has never followed up on his assertion.

I believe that all DNA testing that was ordered has been conducted.

The Wilson v. Dallas remand directed this Court to appoint fiduciaries to oversee the Estate and Trust. My Administrative Order of June 13, 2013 allowed anyone interested in filling a fiduciary position to file an "application" within 45

days of the order with supporting documentation. Five individuals sought appointment as Personal Representative of the Estate and Trustee of the Trust. Also an application was received for the appointment of Limited Special Administrator of the Estate and Limited Special Trustee of the Trust. In the interim, Russell L. Bauknight was ordered to continue to oversee the orderly administration and fiduciary duties of the Estate and Trust as Special Administrator and Special Trustee. At that time he had continuously served in a fiduciary capacity for the Estate and Trust since May 26, 2009 with no lapse in his authority. Hearings were held on September 4 and 11, 2013 to receive testimony from all applicants and answer questions posed by the Court. I found that Mr. Bauknight was by far the most qualified, had more knowledge about the Estate than anyone, had led the Estate from the brink of insolvency to repaying over $14,000,000.00 on the Pullman bond debt seven years ahead of schedule, secured a deal for a movie on the life of Mr. Brown, resolved most of the creditor claims against the Estate and claims by the IRS and filed all income tax returns for all periods for Mr. Brown and the Estate and Trust, resolved IRS audits, plus performed many more services that have been beneficial to the Estate and Trust. Because Mr. Bauknight had also served under the Wilson v. Dallas settlement agreement, an issue arose whether a conflict of interest existed with respect to Mr. Bauknight's continued role as fiduciary of the Estate and Trust in the ongoing spousal elective share, the omitted spouse matter, the omitted child matter, and the legal challenges to the validity of the Will and Trust. I found no conflict of interest existed, but out of an abundance of caution and to avoid any appearance of impropriety I felt it was prudent to appoint an independent person to serve as Limited Special Trustee and as Limited Special Administrator solely and exclusively for the purpose of defending the Estate and Trust against these claims and challenges. I appointed David C. Sojourner, Jr. in this role and Mr. Bauknight was left to continue to oversee all other aspects of the administration of the Estate and Trust. These factual determinations are set out in detail in my order of October 1, 2013.

My Administrative Order of June 13, 2013 addressed the remand mandate for a review of the propriety of fees paid in relation to the Brown Estate. To

accomplish this, the Clerk of Court was directed to open a new civil action entitled "In Re: James Brown : Review of fees paid in Case 1647 appeal of May 26, 2009 settlement agreement". The Clerk was directed to send notice of the new civil action to all the current parties of record in Case 1647 and ten other individuals as identified in the order and directed that each submit a statement of the attorney's fees and trustee fees paid by the Estate in Case 1647.

A review of this file shows I received statements from Tressa T. H. Hayes after being retained by Pope and Buchanan to render legal services to the Estate. These were settled by the Estate and approved by the Probate Court. I did not find any impropriety. The amount was for $105,546.75 less payments of $29,580.00 for a balance of $75,966.75 which was paid. A statement was received from James D. Bailey who also provided legal services to Pope and Buchanan. The total amount of fees and costs were $201,465.00 less payments of $116,605.42 with a balance due of $84,859.58. This claim has been paid. I did not find any impropriety.

Robert L. Buchanan was appointed as one of two Special Administrators of the Estate of James Brown in March 2007. On November 20, 2007 he was appointed as a Co-Personal Representative of the Estate of James Brown and 2000 Irrevocable Trust along with Adele J. Pope. He responded to my order advising he had been paid $153,000.00 during the period of time from February 27, 2008 through April 21, 2009. If I calculated right, he submitted an itemized statement for time he expended through March 31, 2012 totaling $746,598.00

Mr. Buchanan and Mrs. Pope were sued in Richland County 2010-CP-40-4900. Mr. Buchanan settled the case against him for $500,000.00 which resolved all claims either side had against the other in case number 10-CP-40-4900 in Richland County and all Aiken County matters. I enclose a copy of the settlement agreement and Order of Dismissal signed by Judge Manning.

Mr. Bauknight also filed an affidavit reporting this payment on July 29, 2013 in the review of fees case. I had also issued a previous order restricting personal representative and trustee distributions being paid in Case 1647 until the appeal

concluded. Accordingly, Mr. Bauknight had not paid personal representative or trustee distributions in that matter.

In response to the administrative order of June 13, 2013, Mrs. Pope filed a twelve (12) page "Statement of Fees". She filed hundreds of pages of attachments with her statement. I include the statement, but not the attachments. I am not sure if my interpretation of her statement is correct, but she appears to claim in excess of $2,000,000.00 for SA fees for service through May 26, 2007.

She claims since May 26, 2007 she has spent more than 4000 hours in connection with the Wilson v. Dallas appeal and other matters which protect the 2000 Estate Plan of James Brown. She stated her hourly rate was $325-$350. She states the amount exceeds the request she made for a full commission of $2,845,930.00. Her claim remains unresolved. It appears that she claims approximately $5,000,000.00 in fees. The Richland County suit with her counterclaims is still pending. She moved for summary judgment on the fees owed to her in the Aiken matters. I heard the motion and denied it because of the existence of factual issues in dispute.

Judge Manning and I signed a joint order requiring that the parties in both cases participate in mediation. One attempt at mediation had been unsuccessful, but all parties were agreeable and seemed to me to be motivated to once again try to reach a global resolution of the issues. All agreed to let Karl Folkens mediate. He had issued a mediation plan that addressed the concerns of all parties and had a date scheduled when the stay was ordered. Judge Manning and I are hopeful that this mediation will be productive.

The Order requesting this status report inquired whether any proposed settlement agreement has been submitted for court approval. The answer is an unequivocal no. No lawyer, party or anyone else has discussed, mentioned, suggested or inquired of me anything about settlement. Neither am I aware of any rumor or "courthouse talk" of any proposed settlement.

This case has been and continues to be very complicated, challenging, diverse, contested, interesting, and time consuming as any matter I have presided

over. There are scores of legal issues which have and must be decided with over fifty (50) lawyers having appeared, each having been an outstanding advocate for his client, which has made this case very confrontational. Notwithstanding all the "bumps in the road", I am confident my management of this case has now put it in a posture for the final resolution of all issues which will now allow the complete administration of Mr. Brown's Estate.

Judge Doyet A. Early, III

May 6, 2015
Date

The Supreme Court of South Carolina

Alan Wilson, et al.

v.

Albert H. Dallas, et al.

Appellate Case No. 2009-142286

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MAY 13 2015

S.C. Supreme Court

COMES NOW, Darryl Brown, et al., by and through counsel, and responds to the Status Report filed with the Court on May 8, 2015.

DISCOVERY

Despite a strong desire to take depositions, to serve interrogatories and to obtain documents pursuant to subpoena and requests to produce, all discovery in and for all of the issues surrounding the James Brown Estate have been stayed. Since the Supreme Court rendered its decision in 2013, no depositions have been taken nor has any discovery been allowed. Discovery for all issues has been stayed by the Court. There are contested issues that need to be resolved by discovery. Furthermore, the power to conduct an investigation with subpoenas, depositions and other discovery tools is required to fully flush out the facts and issues involved in various James Brown Estate matters.

TOMMIE RAE HYNIE OMITTED SPOUSAL CLAIM

Despite the strong urging of the opponent of Tommie Rae Hynie, no discovery has been permitted or allowed in the Tommie Rae Hynie marital status case. The trial court required the parties to agree on as many facts as could be agreed upon. A joint stipulation of facts was entered. However, this joint stipulation did not address the disputed facts. Furthermore, there are disputed facts known and unknown. To date, no discovery has been permitted or allowed as to the issue of

Tommie Rae Hynie's marital status. The court ruled (on summary judgment) without allowing any depositions, subpoenas, interrogatories or notice to produce. The summary judgment ruling of the trial court is fatally flawed because it ignored known facts, no discovery was allowed or permitted.

MEDIATION

The parties to certain issues have been directed to mediation. However, the parties did not agree to the mediation. There is no chance that the mediation will resolve any issues. Furthermore, the trial court ordered the Estate to pay all costs of mediation. Therefore, the parties will attend mediation without responsibility to pay the mediator.

The parties did not select the mediator. The mediator was selected by the Court. The parties were ordered to be present at the mediation despite the belief that it is a futile and wasted effort.

WILL CONTEST

To date, there has been no discovery order entered in and for the Will contest. Despite, assertion to the contrary in the status report, the parties have not agreed to a discovery order nor has a consent scheduling order been circulated. No discovery has been allowed despite a representation to the contrary in the status report.

THREE TRUSTEES

Instead of following the dictates of the Will to appoint three trustees to oversee the James Brown legacy trust, the Court only appointed one special administrator. This was done when an existing special administrator represented to the trial court that following the directions contained in the Will would be cumbersome and inefficient. Therefore, to avoid the dictates and directives

of the Will, the trial court appointed a special administrator rather than three trustees as directed by the Will.

This 13th day of May, 2015.

Respectfully submitted,

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