

RECEIVED

Jul 21 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Doyet A. Early, III, Circuit Court Judge
The Honorable L. Casey Manning, Circuit Court Judge

Case No. 2019-CP-40-4900

Appellate Case No. 2017-01899

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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; 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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents,

v.

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

Of whom Adele J. Pope is the Appellant.

MOTION TO CORRECT SCRIVENER'S ERROR IN OPINION

PURSUANT TO RULE 221(a)

Introduction

Pursuant to Rule 221(a), SCACR, Respondents request the court correct what appears to be a scrivener's error in the first sentence of its recent opinion in this matter. (Respondents are not asking for a formal rehearing but know of no other means to address this apparent scrivener's error.)

Statement of the Issue

On July 15, 2020, the Court entered an unpublished opinion in this matter. Respondents believe the first sentence contains a scrivener's error, where it states: "Adele J. Pope, personal representative under the will of James Brown and trustee of James Brown's 2000 Irrevocable Trust, appeals from . . ." Op. No. 2020-UP-216 at p. 1.

Discussion

Appellant is not personal representative/trustee under the will of James Brown and the 2000 Irrevocable trust, but rather was a successor personal representative/trustee appointed by the circuit court and later removed for cause. *See Wilson v. Dallas*, 403 S.C. 411, 448-49, 743 S.E.2d 746, 766-67 (2013). As noted in the original opinion of this court in this matter, Respondent Bauknight is the current personal representative/trustee. See Op. No. 2020-UP-216 at p. 5.

Conclusion

Respondents respectfully request that the court amend the first sentence of the opinion to reflect that Appellant is a former personal representative of the James Brown Estate and a former trustee of the 2000 Irrevocable Trust, and that Appellant never held these positions under James Brown's will and trust documents.

Respectfully submitted,

s/ Mark V. Gende

Kenneth B. Wingate, SC Bar No. 5135

Mark V. Gende, SC Bar No. 72835

Sweeny, Wingate & Barrow, P.A.

Post Office Box 12129

Columbia, South Carolina 29211

(803) 256-2233

kbw@swblaw.com

mvg@swblaw.com

ATTORNEYS FOR RESPONDENTS

Columbia, South Carolina

July 21, 2020

RECEIVED

Jul 21 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Doyet A. Early, III, Circuit Court Judge
The Honorable L. Casey Manning, Circuit Court Judge

Case No. 2019-CP-40-4900

Appellate Case No. 2017-01899

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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; 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 B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents,

v.

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

Of whom Adele J. Pope is the Appellant.

PROOF OF SERVICE

I certify that on July 21, 2020 I served Motion to Correct Scrivener's Error in Opinion Pursuant to Rule 221(a) by depositing a copy of it in the United States Mail, postage prepaid, and by e-mailing a copy of the same, to the following attorneys of record:

Charles E. Carpenter, Jr., Esquire
Carpenter Appeals & Trial Support, LLC
4825 Portobello Road
Columbia, SC 29206
(803) 758-2886
charlie.ceclaw@gmail.com

Adam T. Silvernail, Esquire
Law Office of Adam T. Silvernail, LLC
P. O. Box 7995
Columbia, SC 29202
(803) 779-1770
adam@silvernaillawfirm.com

William Jeffrey Smith, Esquire
1216 Crenshaw Street
Newberry, SC 29108
wjstv@mindspring.com

Daryl L. Williams, Esquire
Gertz & Moore, LLP
1416 Laurel St.
Columbia, SC 29202
(803) 252-1524
dwilliams@gertzandmoore.com

Attorneys for Appellant

J. Emory Smith, Jr., Esquire
Clyde H. Jones, Jr., Esquire
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211
(803) 734-3596
esmith@scag.gov
sjones@scag.gov

**Attorneys for
Attorney General**

s/ Mark V. Gende
Mark V. Gende, SC Bar No. 72835
SWEENEY, WINGATE & BARROW, P.A.
1515 Lady Street
Columbia, SC 29211
(803) 256-2233
mvg@swblaw.com

July 21, 2020

Columbia, South Carolina