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## BRADY | COBIN

LAW GROUP, PLLC

HONORING THE LIFE, WORK AND CHARITY OF EVERY INDIVIDUAL

### BCLG Newsletter, July 2021



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### Providing Care for an Aging Parent

by David E. Dean

As our parents and loved ones grow older, naturally their need for assistance in day-to-day activities also grows. As adults, they have the ability to make decisions on



what to eat, what hobbies to enjoy, when and where to visit a doctor, and so much more.

In the later stages of life, sometimes, our loved ones lose the ability to make sound decisions which can have a lasting impact on their overall health and even their estates.

When this happens, our loved ones begin to rely on others to provide care for them. But what if they have waited too long to execute a Power of Attorney and we, those that our loved ones rely on, don't have the authority to help?

#### **Proceeding with Care**

Guardianship proceedings allow you to gain the necessary authority to make important health care and financial decisions for your loved one. These proceedings exist so we can protect our loved ones against declining health from lack of care, exploitation, and financial abuse. Often, a guardian simply manages and maintains

authorize treatment and/or change a care plan should the need arise.

A Guardianship proceeding begins with a Petition for Adjudication of Incompetence and Application for Appointment of a Guardian which is filed in the county where the respondent (i.e. our elder loved one) resides.



At the time of filing, the Clerk of Court will appoint a Guardian ad Litem, referred to as the GAL, to represent the best interests of the respondent. The Guardian ad Litem will be a local attorney who interviews the interested parties, speaks with the respondent, and has the authority to access medical records.

The hearing takes place before the Clerk of Superior Court where testimony and evidence will be presented to determine if the respondent is incompetent, and if so, who should be the guardian. Any interested party can attend the hearing and often the Clerk will allow anyone present to be heard. The GAL will report to the Clerk of Court her findings, and make a recommendation on the respondent's capacity. The GAL will also make a recommendation on who should be the Guardian.

**Peace of Mind**

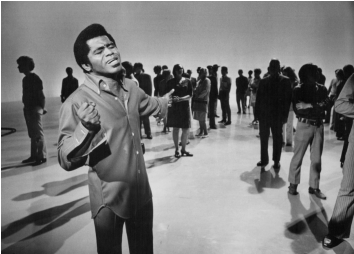
Once you are appointed the Guardian over your loved one, you would then have the necessary authority to authorize treatment, provide or contract with in-home health services, manage finances, and any other act that is in the respondent's best interest.

In future articles, we will look deeper into all of the moving pieces of the Guardianship process in North Carolina, including the difference between a Guardian of the Person and a Guardian of the Estate. If you have a loved one that requires assistance and may need a Guardian appointed for them, please feel free to contact us so we may help you, help them.



**"The Payback"**  
by William Estes

The 'Godfather of Soul', 'Mr. Dynamite', 'Soul Brother No. 1'. The legacy left behind by prolific musician, James Brown, has continued to keep the airwaves funky, in more ways than one.



For the last 15 years, Mr. Brown's estate has been tied up in court. Recent reporting has indicated that Brown's estate and his heirs have reached a settlement; which means that the focal point of Brown's estate, a plan to fund educational scholarships for underprivileged children, might soon go into effect.

Attorney Marc Toberoff, the lawyer for Brown's nine heirs, stated that "the matter has been settled." The estate's administrator, Russell Bauknight added that after "lengthy mediation discussions" the estate will be able to "fulfill Mr. Brown's noble estate plan to fund scholarships."

With estate estimates ranging from \$4.7 million to a whopping \$100 million, it looks like the parties involved are ready to "Give It Up or Turnit a Loose."

**'Til Law Do Us Part**

Since his death in 2006, Brown's estate has been fraught with controversy. First, being the alleged mismanagement by the estate's original administrator, Albert

singer and fourth wife, Tomi Rae Hynie.

Hynie and Brown got married in 2001, but Brown never updated his will to name Hynie as an heir. After Brown's death, controversy surrounding the marriage began to surface as Hynie began to act as Brown's widow.



It was alleged that the marriage between Hynie and Brown was not valid because Hynie was married to another man, Javed Ahmed, when Hynie tied the knot with Brown. Before his death, Brown went as far as to begin the annulment process over the matter but never followed through with it to completion.

In South Carolina courts, where the validity of the Brown-Hynie marriage was being tested, a judge ruled that Hynie was Brown's spousal heir because Hynie's marriage to Ahmed was not valid. Why? Ahmed was married to several other women in Pakistan and South Carolina law does not recognize bigamous relationships. Therefore, Hynie would be able to annul her marriage to Ahmed and claim her status as Brown's spousal heir.

Hynie proceeded to take legal actions as Brown's widow and sold recovered copyrights to his songs through the recently renewed termination rights laws.

#### Termination Rights

A quick aside about termination rights law; to make money, most successful songwriters sell music publishers their ownership rights to their compositions in exchange for fees. Termination rights allow the composer, or their heirs, to end those contracts years after the deal was struck and regain ownership of those compositions to do with what they please.

In 2015, Hynie sold the rights to five of Brown's songs back to the original publisher and accumulated \$1.875 million from the exchange.



#### Thinking of the Children

The estate's named heirs have been battling Hynie's moves since the very beginning of the case, trying to solidify the legal relationship Hynie has with the estate. Just last year, the South Carolina Supreme Court finally ruled that Hynie was never Brown's legal wife.



As a result, the settlement that was recently reached on July 9<sup>th</sup>, 2021 is thought to have resolved the issue of the profits that Hynie gained by selling Brown's termination rights.

Also, Hynie has not been cut out of the estate completely. Hynie's son, James Brown II, is now being recognized by the estate's heirs' as their kin and has been included in the settlement.

The estate is now able to move forward with the original plan set forth by Mr. Brown and provide scholarships for underprivileged children to get an education. Only after that is said and done will the beneficiaries of the estate be able to receive any benefit from terminated copyrights.

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## Recipe of the Month: Homemade Almond Joys

#### Ingredients

- 1 ¼ cup shredded sweetened coconut
- ¼ cup sweetened condensed milk



- chocolate of your choice
- 18-36 roasted almonds
  - 36 tiny cupcake liners about 1" in size

**Instructions***(makes between 16 - 36 candies)*

1. Combine and stir together the shredded coconut, condensed milk, and vanilla. The mixture should be sticky and hold its shape when pressed together.
2. In a separate bowl, slowly melt the chocolate over a pan of water, or in the microwave at 50% power for 2 minutes, stirring every 30 seconds.
3. Place 1 teaspoon of the melted chocolate into each cupcake liner and then add 1 teaspoon of the coconut mixture on top. Lightly press on each teaspoon of coconut mixture so that the chocolate oozes up the side of the cupcake liner.
4. Place an almond on top of the coconut mixture in each liner and then drizzle 1 teaspoon of chocolate on top.
5. Chill and store in the refrigerator or freezer until they are ready to eat.



## What's Happening in North Carolina



### [Music on Main Summer Concert Series](#)

Saturdays, see link for specific dates and groups

6:00 p.m to 9:00 p.m.

The Streets at Southpoint

6910 Fayetteville Road, Durham

Free

### ["Marat/Sade" presented by St. John's MCC](#)

July 23, 2021 - August 8, 2021

7:00 p.m.

St. John's Metropolitan Community Church

622 Maywood Avenue, Raleigh

"Pay-What-You-Can", suggested price of \$12

### [First Friday Raleigh](#)

August 6, 2021

All Day

Downtown Raleigh

Various Locations, see link for more details

Free

### [Raleigh's International Food Festival](#)

August 28, 2021

12:00 p.m to 10:00 p.m.

City Plaza

420 Fayetteville Street, Raleigh

Free

Various Dates and Times, see program details for specific date & time  
Various Locations, see program details for a specific location  
Free - \$90, see program details for pricing

[Acoustic Evenings in the Park](#)

Wednesdays, see link for specific dates and groups  
6:00 p.m. to 9:00 p.m.  
Waverly Place  
302 Colonades Way, Cary  
Free

[The Raleigh Market](#)

Saturdays and Sundays  
9:00 a.m. to 5:00 p.m.  
4285 Trinity Road, Raleigh  
Free

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## [Meet Our Attorneys...](#)



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## Hours of Operation:

Monday 8:30 AM - 5:30 PM  
Tuesday 8:30 AM - 5:30 PM  
Wednesday 8:30 AM - 5:30 PM  
Thursday 8:30 AM - 5:30 PM  
Friday 8:30 AM - 3:00 PM

Scheduled appointments after hours

<https://www.ncstateplanning.com>

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