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MAY 19 2015
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Marvin H. Dukes, III

Master in Equity and Special Circuit Court Judge

Case No. 2011-CP-07-01778

BENJAMIN GECY, Appellant,

v.

SOUTH CAROLINA BANK & TRUST, JAIME HAMNER and
DEBORAH HAMNER, Respondents.

**NOTICE OF MOTION AND MOTION
(TO EXTEND TIME TO FILE AND SERVE THE
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER)**

The Appellant, Benjamin Gecy, by and through his undersigned attorney, pursuant to Rule 240, SCACR, moves the Court of Appeals for an order extending the time for Appellant to file and serve his Initial Brief and Designation of Matter to be Included in the Record on Appeal through and including Thursday, June 11, 2015.

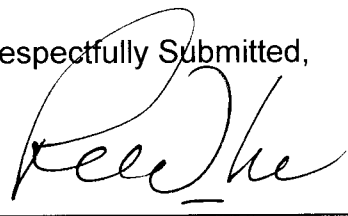
As appears from the affidavit of the Appellant's counsel, which is attached to this motion, counsel has and has had other commitments which have delayed the

completion of the Initial Brief and Designation of Matter, which otherwise would be due on May 12, 2015.

One previous extension has been sought by the Appellant, as appears from the Letter dated April 9, 2015, a copy of which is attached hereto as Exhibit A.

Upon information and belief, the attorneys for the Respondents do not object to this motion.

Respectfully Submitted,

By: 

Robert V. Mathison, Jr.
Attorney for the Appellant
Benjamin Gecy

MATHISON & MATHISON
Post Office Box 5271
Hilton Head Island
South Carolina 29938-5271
Telephone: (843) 785-6503
Email: rmathlaw@aol.com

May 11, 2015

Hilton Head Island, South Carolina.

MEMORANDUM

The relief requested in the motion set forth above is authorized by Rule 240, SCACR.

MATHHISON & MATHISON
Post Office Box 5271
Hilton Head Island, SC 29938
Telephone: (843) 785-6503
Email: rmathlaw@aol.com

April 9, 2015

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Benjamin Gecy v. South Carolina Bank & Trust, et al.
Case No. 2011-CP-07-01778

Dear Ms. Kitchings:

Please consider this letter my request for a 30 day extension of time within which to prepare the Appellant's Initial Brief and the Appellant's Designation of Matter To Be Included in the Record on Appeal. These documents would otherwise be due on Monday, April 13, 2015, and I am requesting that the extension run through and including Tuesday, May 12, 2015.

The basis for the extension request is the press of other matters, including an appeal from a decision of the Attorney General sitting in his capacity as the South Carolina Securities Commissioner.

No previous extension has been sought or granted in this case.

I have enclosed my check in the amount of \$25.00 to pay the motion fee.

Thanking you and with kind regards, I am

Sincerely,

Robert V. Mathison, Jr.

RVM:bh

Enclosure

cc: Thomas A. Holloway, Esquire
James. J. Wegmann, Esquire
Mr. Benjamin C. Gecy

EXHIBIT A

IN THE STATE OF SOUTH CAROLINA

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DEBORAH HAMNER, Respondents.

**AFFIDAVIT
(ROBERT V. MATHISON, JR.)**

PERSONALLY appeared before me Robert V. Mathison, Jr. (herein sometimes "the Affiant"), who, first being duly sworn, says under oath the following:

1. My name is Robert V. Mathison, Jr., and I am an attorney licensed to practice law by the State of South Carolina.
2. I am the attorney for the Appellant, Benjamin Gecy, in this matter, and I reside at Hilton Head Island in Beaufort County, South Carolina.
3. I am 68 years of age, of sound mind, and I make this Affidavit of my own personal knowledge.
4. As a consequence of my having participated in two appeals, a case

scheduled for trial (which was settled) and myriad other court activities during the past month, as well as the need to prepare for two cases that are No. 1 for trial on the Beaufort County Court of Common Pleas Docket for the weeks commencing May 18 and June 1, 2015, I have not had adequate time to complete the Appellant's Initial Brief and Designation of Matter for this appeal.

5. I believe that a 30 day extension running through Thursday, June 11, 2015, will afford sufficient time for me to complete the brief and designation because I would have at least a week after my last currently-scheduled major court obligation.

6. The brief and designation otherwise would be due on May 12, 2015, and, as appears from Exhibit A to the Motion to Extend Time, one previous extension has been requested and granted.

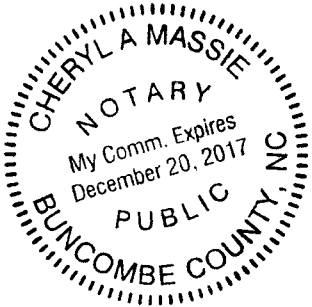
FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me on this 11th Day of May, 2015.

C Cheryl A. Massie (SEAL)
Notary Public for North Carolina
My Commission Expires: 12-20-2017



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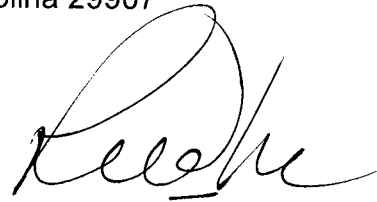
PROOF OF SERVICE

I, Robert V. Mathison, Jr., hereby certify that on May 11, 2015, I filed and served by mail the original and copies of the Appellant's Notice of Motion and Motion to Extend Time to File and Serve Appellant's Initial Brief and Designation of Matter, as well as the Affidavit of Robert V. Mathison, Jr., both of which are dated May 11, 2015, by depositing same, with sufficient first class postage prepaid, at the United States Post Office at Asheville, North Carolina, addressed as follows:

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Thomas A. Holloway, Esquire
Harvey & Battey, P.A.
Post Office Box 1107
Beaufort, South Carolina 29901

James J. Wegmann, Esquire
Weidner, Wegmann & Harper, LLC
6 Professional Village Circle
Beaufort, South Carolina 29907



Robert V. Mathison, Jr.
Mathison & Mathison
Post Office Box 5271
Hilton Head Island, SC 29938
Telephone: (843) 785-6503
Email: rmathlaw@aol.com

Attorney for the Appellant
Benjamin Gecy

May 11, 2015

Hilton Head Island, South Carolina.

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Hilton Head Island, SC 29938
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The Honorable Jenny Abbott Kitchings
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Re: Benjamin Gecy v. South Carolina Bank & Trust, et al.
Case No. 2011-CP-07-01778

Dear Ms. Kitchings:

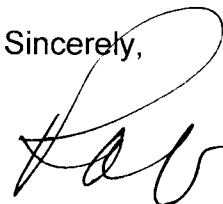
Enclosed for filing are the following:

- (a) Original and six copies of the Notice of Motion and Motion (to Extend Time to File and Serve the Appellant's Initial Brief and Designation of Matter) dated May 11, 2015;
- (b) Original and six copies of my Affidavit bearing the same date; and
- (c) Original Proof of Service, also bearing the same date.

In addition, I have enclosed our check in the amount of \$25.00 to pay the filing fee.

Thanking you and with kind regards, I am

Sincerely,



Robert V. Mathison, Jr.

RVM:bh

Enclosures

cc: Thomas A. Holloway, Esquire
James J. Wegmann, Esquire
Mr. Benjamin C. Gecy

LAW OFFICES
MATHISON & MATHISON
POST OFFICE BOX 5271
HILTON HEAD ISLAND S.C. 29938-5271

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