

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

**RECEIVED**

JUN 22 2015

SC Court of Appeals

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)**

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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, for one week, through and including Friday, June 26, 2015.

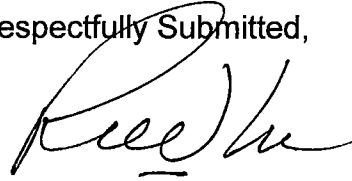
As appears from the affidavit of the Appellant's attorney, which is attached to this motion, overriding obligations in other cases, the Appellant's attorney has been unable to complete the Initial Brief and Designation of Matter in this case.

Three previous extensions have been sought by the Appellant.

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](mailto:rmathlaw@aol.com)

June 18, 2015

Hilton Head Island, South Carolina.

MEMORANDUM

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

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**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. Since mailing my previous request for an extension, I have been required

to prepare for and argue in court against a motion for summary judgment, prepare a brief in support of a motion for reconsideration, and to devote time and effort to rescuing the settlement of a four year old case, in which my clients had until the close of business on June 17, 2015, to perform.

5. As a consequence, I have not had adequate time to complete the Appellant's Initial Brief and Designation of Matter.

6. I believe that an extension of eight days, running through Friday, June 26, 2015, will afford sufficient time for me to complete the brief and designation. The extra day is because I have a brief in another matter due on June 23, 2014, and a mandatory court appearance on the following day, June 24, 2015.

7. My practice is "a one horse shay," but I propose to get help to attain that deadline.

8. The brief and designation otherwise would be due to be filed and served by mail today, and three previous extensions have ben requested--most recently, for one week on June 11, 2015.

FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me  
on this 18<sup>th</sup> Day of June, 2015.

 (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 8/13/23



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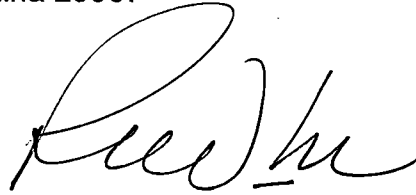
**PROOF OF SERVICE**

I, Robert V. Mathison, Jr., hereby certify that on June 18, 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 June 18, 2015, by depositing same, with sufficient first class postage prepaid, at the United States Post Office at Hilton Head Island, South 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



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

Attorney for the Appellant  
Benjamin Gecy

June 18, 2015

Hilton Head Island, South Carolina.

**MATHHISON & MATHISON**  
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JUN 22 2015  
SC Court of Appeals

June 18, 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:

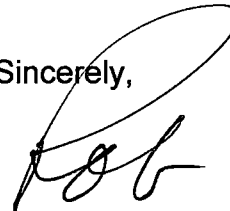
I regret to inform you that I have encountered other obstacles to completing the brief and designation of matter in this case, and therefore must request another extension of one week. Accordingly, please find the following enclosed:

- (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 June 18, 2015;
- (b) Original and six copies of my Affidavit bearing the same date; and
- (c) Original Proof of Service, also bearing the same date.

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

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

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SC Court of Appeals

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