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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

JUL 02 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)**

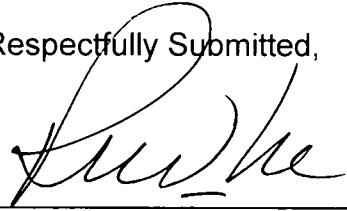
The Appellant, Benjamin Gecy, by and through his undersigned attorney, pursuant to Rule 240, SCACR, moves the Court of Appeals for an order extending the time for Appellant to file and serve his Initial Brief and Designation of Matter to be Included in the Record on Appeal, for one week, through and including Thursday, July 2, 2015.

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

Five previous extensions have been sought by the Appellant, most recently on June 26, 2015, through today's date.

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

June 29, 2015

Hilton Head Island, South Carolina.

MEMORANDUM

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

(S)

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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. I took ill last Saturday afternoon with nausea, cramping and diarrhea—conditions that have persisted until today.

5. I have lost time from work and have not had adequate time to complete the Appellant's Initial Brief and Designation of Matter.

6. I believe that an extension running through Thursday, July 2, 2015, will allow sufficient time for me to complete the brief and designation.

7. The brief and designation otherwise would be due to be filed and served by mail today, and five previous extensions have been requested--most recently, on June 26, 2015.

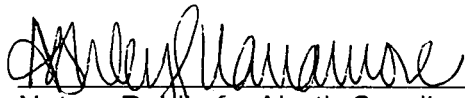
FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me
on this 29th Day of June, 2015.

Ashley T. Narramore
Notary Public
Buncombe County, NC



Notary Public for North Carolina
My Commission Expires: 7-24-19

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And DEBORAH HAMNER Respondents.

PROOF OF SERVICE

I, Robert V. Mathison, Jr., hereby certify that on June 26, 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 29, 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

June 29, 2015

Hilton Head Island, South Carolina.

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Hilton Head Island, SC 29938
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SC Court of Appeals

June 29, 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:

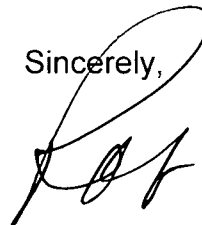
As I am now burdened by a persistent illness, I am requesting an additional several days to complete the Appellant's Initial Brief and Designation in this case, that is, through Thursday, July 2, 2015. Accordingly, enclosed for filing are the following:

- (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 June 29, 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 my 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