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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 08 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 two days, through and including Wednesday, July 8, 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.

Seven previous extensions have been sought by the Appellant, most recently on July 2, 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](mailto:rmathlaw@aol.com)

July 6, 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.)**

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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 suffered a relapse of the illness previously described that bogged me down over the weekend.

5. Although most of the brief has been written, I need more time still to pull together the various components of the Appellant's Initial Brief and Designation of Matter.

6. I believe that an extension running through Wednesday, July 8, 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 seven previous extensions have been requested--most recently, on July 2, 2015.

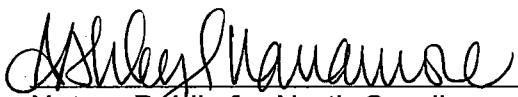
FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me on this 6th Day of July, 2015.

Ashley T. Narramore  
Notary Public  
Buncombe County, NC

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

Ashley T. Narramore  
Notary Public  
Buncombe County, NC

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v.

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

**PROOF OF SERVICE**

I, Robert V. Mathison, Jr., hereby certify that on July 6, 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 July 6, 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



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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

July 6, 2015

Hilton Head Island, South Carolina.

**MATHHISON & MATHISON**  
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Hilton Head Island, SC 29938  
Telephone: (843) 785-6503  
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JUL 08 2015  
SC Court of Appeals

July 6, 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:

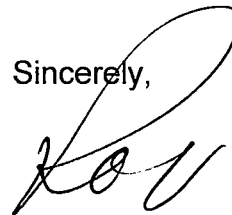
I still have not finished the Initial Brief and Designation in this case. I request until Wednesday, July 8, 2015, in order to do so. Accordingly, enclosed for filing are the following:

- (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 July 6, 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



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**MATHISON & MATHISON**

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