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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

S.C. SUPREME COURT

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 2007-CP-07-02372
Opinion No. 5328 (S.C. Ct. App., filed on July 15, 2015)

Matthew S. McAlhaney, Respondent,

v.

Richard K. McElveen a/k/a Richard K. McElveen,
Sr., Individually and d/b/a Battery Creek Marina,
The Great Pumpkin, LLC, Linda McElveen,
Richard K. McElveen, Jr., and Billy Joe Byrd Defendants.

of whom, Richard K. McElveen, Sr., is the Petitioner.

NOTICE OF MOTION AND MOTION
(To Extend Time)

The Respondent, Matthew S. McAlhaney, by and through his undersigned attorney,
pursuant to Rule 240, SCACR, moves before the Supreme Court of South Carolina:

1. For an order extending the time for the Respondent to file and serve his
Response to the Petition for a Writ of Certiorari heretofore filed by the Petitioner
McElveen on October 12, 2015, for a period of seven days, that is, through and
including Wednesday, November 18, 2015.

As appears from the Affidavit of the Respondent's attorney bearing today's date,
which is attached to this motion, due to the burden of other work, as well as problems

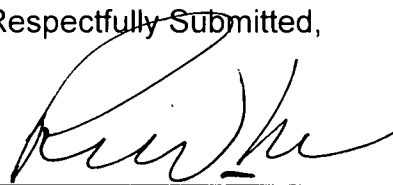
encountered over the past several days in converting to Windows 10, the Respondent's attorney has not been able to complete the Response.

No previous extension has been requested by the Respondent.

The Respondent's counsel has sought and received the written consent of his opponent, Blake A. Hewitt, Esquire, to the extension requested in this motion.

Respectfully Submitted,

By:



Robert V. Mathison, Jr.
S.C. Bar No. 3685

Attorney for the Respondent
Matthew S. McAlhaney

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

November 10, 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 Respondent in this matter, Matthew S.
McAlhaney, and I reside at Hilton Head Island, South Carolina.

3. I am 68 years of age, of sound mind, and I make this Affidavit of my own
personal knowledge.

4. Due to the preoccupation of the Affiant with other obligations, he became concerned about whether the Response to the Petition for a Writ of Certiorari could be completed on time, and, therefore, on November 5, 2015, he contacted the Petitioner's attorney, Blake A. Hewitt, via email and secured his written consent to an extension of seven days' duration.

5. When the Response was nearing completion, problems were encountered in formatting and proofreading due to the conversion of the system on which it had been composed to Windows 10 over this past weekend.

6. The Response otherwise would be due to be filed and served by mail on November 11, 2015 (or, in view of that day's status as a federal holiday, the day afterwards), and the Response can be completed within the seven extra days sought.

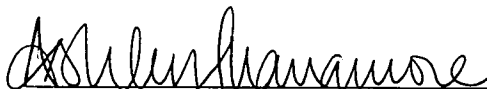
7. No previous extension has been requested by the Respondent.

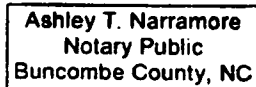
FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.
S.C. Bar No. 3685

SWORN to and Subscribed before me
on this 10th Day of November, 2015.

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



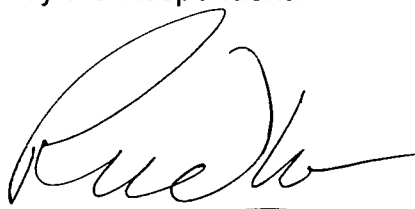
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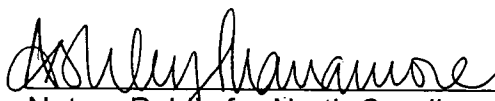
7. No previous extension has been requested by the Respondent.

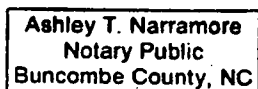
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Robert V. Mathison, Jr.
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of whom, Richard K. McElveen, Sr., is the Petitioner.

PROOF OF SERVICE

I, Robert V. Mathison, Jr., hereby certify that, on November 10, 2015, I filed and served by mail the original and copies of the Respondent's Motion to Extend Time and the Affidavit of Robert V. Mathison, Jr., by depositing the same, with sufficient first class postage prepaid, at the United States Post Office at Asheville, North Carolina, addressed as follows:

The Honorable Daniel E. Shearouse
Clerk of the Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Blake A. Hewitt, Esquire
Bluestein, Nichols, Thompson & Delgado, LLC
Post Office Box 7965
Columbia, South Carolina 29202

A handwritten signature in black ink, appearing to read "R. Mathison, Jr.", written over a horizontal line.

Robert V. Mathison, Jr.
S.C. Bar No. 3685
Attorney for the Respondent
Matthew S. McAlhaney

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

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The Honorable Daniel E. Shearouse
Clerk of the Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

S.C. SUPREME COURT

Re: Matthew S. McAlhaney v. Richard K. McElveen, Sr.
Case No. 2007-CP-07-02373
Court of Appeals Opinion No. 5328 (filed on July 15, 2015)

Dear Mr. Shearouse:

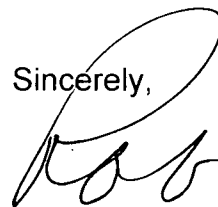
I represent the Respondent below, Matthew S. McAlhaney, who prevailed below on Mr. McElveen's appeal. We will require an additional seven days to complete our response to Mr. McElveen's Petition for a Writ of Certiorari. I have already secured the written consent to this extension of the Petitioner's attorney, Blake Hewitt, Esquire. Accordingly, enclosed for filing in the case referenced are the following items:

1. Original and six copies of the Motion to Extend Time;
2. Original and six copies of my Affidavit in support of the motion; and
3. Original Proof of Service.

My check in the amount of \$25.00 is also enclosed. The response in this case would otherwise be due on November 11, 2015 (or later), and we are asking for an extension through and including November 18, 2015.

Thanking you and with kind regards, I am

Sincerely,



Robert V. Mathison, Jr.

RVM:bh

Enclosures

cc: Blake A. Hewitt, Esquire
D. Michael Mathison, Esquire
Mr. Matthew S. McAlhaney



The Supreme Court of South Carolina

Robert V. Mathison

11/13/2015

RECEIPT #77866

Case No: 2015-001929
Case Short Title: Matthew McAlhaney v. Richard McElveen
Event: Motion - Extension of Time (1st)
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 157
Check/Money Order Date: 11/10/2015
Comments: