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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

**RECEIVED**

Court of Common Pleas

NOV 10 2015

Tanya A. Gee, Circuit Court Judge

**SC Court of Appeals**

Appellate Tracking No. 2015-001845

Trial Court Case No. 2014-CP-40-07917

JOHN M. McINTYRE and SILVER OAK LAND MANAGEMENT, LLC, . . . . .Appellants,  
v.  
SECURITIES COMMISSIONER OF SOUTH CAROLINA . . . . . Respondent.

**NOTICE OF MOTION AND MOTION**  
**(TO OBTAIN ADDITIONAL TRANSCRIPT**  
**AND TO EXTEND TIME TO FILE AND SERVE THE**  
**APPELLANTS' INITIAL BRIEF AND DESIGNATION OF MATTER)**

The Appellants, John M. McIntyre and Silver Oak Land Management, LLC, by and through their undersigned attorney, pursuant to Rule 240, SCACR, and otherwise, move the Court of Appeals:

1. For an order authorizing the Appellants to obtain, out of time, a transcript of the hearing held before the Honorable Tanya A Gee on April 17, 2015, in the interests of justice and due to mistake or excusable error as specified in the Affidavit of Robert V. Mathison, Jr., which is attached hereto; and

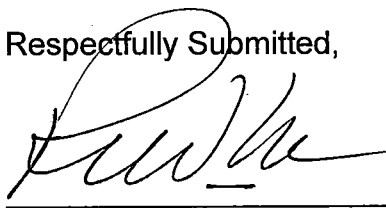
2. For an order extending the time for Appellants to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal, for thirty days, through and including Wednesday, December 9, 2015.

As appears from the affidavit of the Appellants' attorney, which is attached to this motion, due to the burden of other work, including, without limitation, that resulting from other concurrent, appellate obligations, the Appellant's attorney has not been able to complete the Initial Brief and Designation of Matter in this case.

One previous extension has been requested by the Appellants.

The Appellants' counsel had sought the consent of his opponent, but no response has been forthcoming.

Respectfully Submitted,

By: 

Robert V. Mathison, Jr.  
S.C. Bar No. 3685  
Attorney for the Appellants  
John M. McIntyre and  
Silver Oak Land Management, LLC

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)

November 6, 2015

Hilton Head Island, South Carolina.

MEMORANDUM

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

THE STATE OF SOUTH CAROLINA

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JOHN M. McINTYRE and SILVER OAK LAND MANAGEMENT, LLC, . . . . .Appellants,

v.

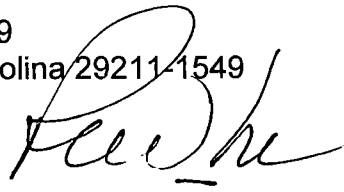
SECURITIES COMMISSIONER OF SOUTH CAROLINA . . . . . Respondent.

**PROOF OF SERVICE**

I, Robert V. Mathison, Jr., hereby certify that on November 6, 2015, I filed and served by mail the original and copies of the Appellants' Notice of Motion and Motion seeking permission to obtain an additional transcript, as well as for an extension of time, 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

Jordan Crapps, Esquire  
Office of the Attorney General  
Securities Division  
Post office Box 11549  
Columbia, South Carolina 29211-1549

By:   
Robert V. Mathison, Jr.  
Attorney for the Appellants  
John M. McIntyre and Silver  
Oak Land Management, LLC

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

November 6, 2015

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SC Court of Appeals

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

Re: John M. McIntyre, et al. v. Securities Commissioner of South Carolina  
Case No. 2014-CP-40-07917  
Appellate Case No. 2015-001845

Dear Ms. Kitchings:

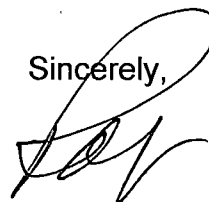
Enclosed are the following items:

1. Original and six copies of a Notice and Motion seeking permission to obtain an additional transcript, as well as a 30 day extension within which to file and serve the Appellants' Initial Brief and Designation of Matter;
2. Original and six copies of my Affidavit in support of the Motion;
3. Original Proof of Service; and
4. Our check in the amount of \$25.00 to pay the filing fee for the Motion.

This is the second request for an extension made by the Appellants. I have requested the consent of counsel for the Respondent--both on the telephone and in writing--but I have yet to receive a response from him.

Thanking you and with kind regards, I am

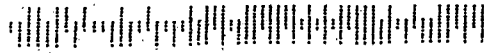
Sincerely,



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

RVM:bh

cc: Jordan Crapps, Esquire  
Mr. John M. McIntyre



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

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
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