

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Tanya A. Gee, Circuit Court Judge

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.

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 Appellants in this matter, John M. McIntyre and Silver Oak Land Management, LLC, 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. This appeal is from an Order of the Honorable Tanya A. Gee upholding a previous order deciding an administrative proceeding entered by the Securities

Commissioner (herein "the Commissioner") in which, after appointing a Hearing Examiner, who heard four days of testimony, and after receiving a Report from the Hearing Examiner in which the Hearing Examiner recommended that these proceedings be dismissed against the Appellants, the Commissioner, nevertheless, directed the Hearing Examiner to modify his Report to make findings and reach conclusions as explicitly dictated by the Commissioner in writing, whereupon the Commissioner then purported to adopt the modified Report that he had dictated, amending it only to the detriment of the Appellants, in deciding that they had committed violations of the South Carolina Securities Act of 2005.

5. At the time that the Notice of Appeal was filed and served in this matter, all of the four days' of administrative proceedings had been transcribed and submitted to the Richland County Court of Common Pleas for Judge Gee's review and consideration.

6. However, the hearing before Judge Gee held for approximately two hours on April 17, 2015, had not (and has not) been transcribed, which was an error by the Affiant, and the Affiant is informed and believes that such a transcript should be obtained so that pertinent portions of it can be included in the Record on Appeal.

7. Accordingly, the affiant seeks the Court of Appeals' authorization to obtain, beyond the time limit, the additional transcript of the hearing held on April 17, 2015.

8. In addition, due primarily to the unusual coincidence of other appellate matters, including the need to respond to a Petition for Certiorari in a reported case, *McAlhaney v. McElveen*, which is due next week in the South Carolina Supreme Court,


the Affiant has not had adequate time to complete the Appellants' Initial Brief and Designation of Matter to Be Included in the Record on Appeal in this case.

9. The Affiant is informed and believes that, though he may be required to prepare and file a reply brief on or about November 20, 2015, in yet another appellate matter, *Gecy v. South Carolina Bank & Trust*, an extension of 30 days through and including December 9, 2015, should be sufficient to allow him to complete the brief and designation in this case, as well as to obtain the additional transcript.

10. The Appellant has sought the consent of his opponent to this motion both by telephone and in writing, but he has not received a response.

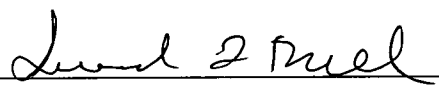
11. The brief and designation otherwise would be due to be filed and served by mail on November 9, 2015, and one previous extension has been requested by the Appellants on this appeal.

FURTHER THE AFFIANT SAYETH NOT.



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

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

 (SEAL)
Notary Public for North Carolina
My Commission Expires: 01/30/2018

Susannah L. Haskell
Notary Public
Buncombe County, NC