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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Court of Common Pleas

Carmen Tevis Mullen
Circuit Court Judge

Appellate Case No. 2016-001113

Trial Court Case No. 2014-CP-07-02670

RECEIVED

NOV 03 2016

SC Court of Appeals

BENJAMIN C. GECY, RIVER CITY DEVELOPERS, LLC and
RIVER CITY REAL ESTATE, LLCAppellants,

v.

SOMERSET POINT AT LADY'S ISLAND HOMEOWNERS'
ASSOCIATION, INC., f/k/a COOSAW RIVER ESTATES
HOMEOWNERS' ASSOCIATION, LLC, HILTON C. SMITH,
JR., COOSAW INVESTMENTS, LLC, and HILTON C. SMITH
JR., INC. OF SOUTH CAROLINADefendants,

Of which HILTON C. SMITH, JR., COOSAW INVESTMENTS,
LLC, and HILTON C. SMITH, JR., INC. OF SOUTH
CAROLINA are Respondents.

NOTICE AND MOTION TO EXTEND TIME

To Serve and File the Appellants' Initial Brief
and Designation of Matter To Be Included in the Record on Appeal

The Appellants, by and through their undersigned attorney, pursuant to Rule 240,
SCACR, moves the Court of Appeals for an order extending the time for the Appellants
to file and serve their Initial Brief and Designation of Matter to Be Included in the Record
on Appeal, for 30 days from the current due date, that is, through and including Monday,
December 5, 2016.

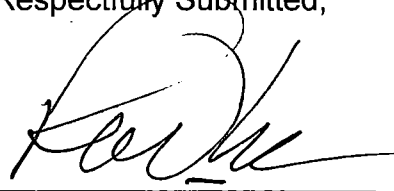
As appears from the Affidavit of the Appellant's counsel, which is attached to this
motion, due to the imposition, dislocation and delay caused by Hurricane Matthew,

counsel has been delayed in completing the Initial Brief, which otherwise would be due on November 4, 2016.

One previous extension with respect to the Initial Brief and Designation has been sought and received by the Appellants.

Respectfully Submitted,

By:



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

Attorney for the Appellants
Benjamin C. Gecy, River City
Developers, LLC, and River City
Real Estate, LLC

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

November 1, 2016

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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LLC, and HILTON C. SMITH, JR., INC. OF SOUTH
CAROLINA are Respondents.

AFFIDAVIT

(ROBERT V. MATHISON, JR.)

PERSONALLY appeared before me Robert V. Mathison, Jr. (herein sometimes
"the Affiant"), who, first being duly sworn, says 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, and I reside at Hilton
Head Island in Beaufort County, South Carolina.

3. I am 69 years of age, of sound mind, and I make this Affidavit of my own personal knowledge.

4. Because of mandatory evacuation in the face of Hurricane Matthew, I was required to be away from my home and office for seven days, commencing on October 5, 2016. Due to the destruction at Hilton Head Island, and, particularly, downed trees which rendered the roads impassable and which interrupted power Island-wide, and, specifically, to my office and home, local authorities did not permit any residents to return to Hilton Head until the afternoon of October 11, 2016.

5. Necessary debris removal and clean-up, as well as the need to reschedule multiple commitments and events, caused additional delay, with the result that I have not had sufficient time to complete the Appellants' Initial Brief.

6. An extension of 30 days should provide adequate time to complete the brief and designation of matter.

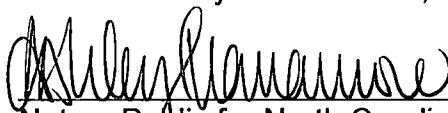
7. The Appellants' Initial Brief and Designation would otherwise have been due on Thursday, November 4, 2016, and I am requesting an extension of time through and including Monday, December 5, 2016.

FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me
on this 1st Day of November, 2016.

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

Ashley T. Narramore
Notary Public
Buncombe County, NC

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Of which HILTON C. SMITH, JR., COOSAW INVESTMENTS,
LLC, and HILTON C. SMITH, JR., INC. OF SOUTH
CAROLINA are Respondents.

PROOF OF SERVICE

I, Robert V. Mathison, Jr., hereby certify that on November 1, 2016, I filed
and served by mail the original and copies of the Appellants' Notice and Motion to
Extend Time to File and Serve the Appellants' Initial Brief and Designation of Matter To
Be Included in the Record on Appeal, as well as the Affidavit of Robert V. Mathison, Jr.,
in support of the motion, 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

Morgan S. Templeton, Esquire
Peden Brown McLeod, Esquire
Wall, Templeton & Haldrup, P.A.
Post Office Box 1200
Charleston, South Carolina 29402

Duke R. Highfield, Esquire
Jeffrey J. Wiseman, Esquire
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402

E. Mitchell Griffith, Esquire
Kelly D. Dean, Esquire
Griffith, Sharp & Liipfert, P.A.
Post Office Drawer 570
Beaufort, South Carolina 29901



Robert V. Mathison, Jr.
S.C. Bar No. 3685
Attorney for the Appellants
Benjamin C. Gecy, River City
Developers, LLC, and River City
Real Estate, LLC

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November 1, 2016

Hilton Head Island, South Carolina.

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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: Benjamin C. Gecy, et al. v. Somerset Point at Lady's Island Homeowners'
Association, Inc., et al.
Case No. 2014-CP-07-02670
Appellate Case No. 2016-001113

Dear Ms. Kitchings:

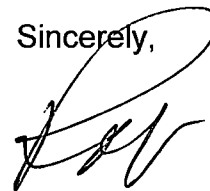
For the reasons described in my enclosed affidavit, I have not been able to complete the Appellants' Initial Brief for this appeal, and I am requesting an extension of 30 days in order to do so. Accordingly, enclosed for filing are the following:

- (a) Original and six copies of the Notice and Motion to Extend Time to File and Serve the Appellants' Initial Brief and Designation of Matter dated November 1, 2016;
- (b) Original and six copies of my Affidavit bearing the same date; and
- (c) Original Proof of Service.

I have also enclosed our check in the amount of \$25.00 to pay the filing fee.

With kind regards, I am

Sincerely,



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

RVM:bh
Enclosures

[Continued on Page 2.]

J

The Honorable Jenny Abbott Kitchings
November 1, 2016
Page 2

cc: Morgan S. Templeton, Esquire
Peden Brown McLeod, Esquire
Duke R. Highfield, Esquire
Jeffrey J. Wiseman, Esquire
E. Mitchell Griffith, Esquire
Kelly D. Dean, Esquire
Mr. Benjamin C. Gecy



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