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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

RECEIVED
DEC 05 2016
SC Court of Appeals

Appellate Case No. 2016-001113

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

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

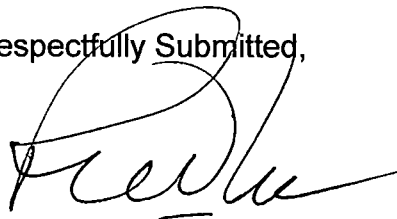
The Appellants, by and through their undersigned attorney, pursuant to Rule 240,
SCACR, move the Court of Appeals for an order extending the time for the Appellants to
file and serve their Initial Brief and Designation of Matter to Be Included in the Record
on Appeal, for 16 days from the current due date, that is, through and including
Wednesday, December 21, 2016.

As appears from the Affidavit of the Appellant's counsel, which is attached to this
motion, due to recurring health problems, counsel has been delayed in completing the

Initial Brief and Designation, which otherwise would be due on December 5, 2016. Completion of these matters will require approximately ten business days, and the undersigned has court commitments on three other business days prior to the Christmas break.

Two previous extensions with respect to the Initial Brief and Designation have 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

December 2, 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. I was a candidate for carotid artery surgery (carotid endarterectomy) earlier this fall until an MRI revealed that the need was less urgent than previously believed by my physician.

5. During that period, changes were made in my blood pressure medications, some of which I had taken for more than 15 years, and they, in turn, led to extreme fluctuations in my blood pressure, all of which inhibited my work productivity, including my ability to complete the brief and designation for this appeal.

6. These conditions now appear to have stabilized.

7. I should be able to complete the brief in approximately ten business days, and I already have court commitments for three business days before the Christmas break.

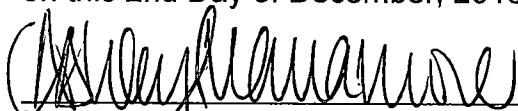
8. The Appellants' Initial Brief and Designation would otherwise have been due on Monday, December 5, 2016, and I am requesting an extension of time through and including Wednesday, December 21, 2016.

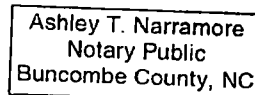
FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me
on this 2nd Day of December, 2016.

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



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Carmen Tevis Mullen
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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 December 2, 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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December 2, 2016

Hilton Head Island, South Carolina.

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SC Court of Appeals

December 2, 2016

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:

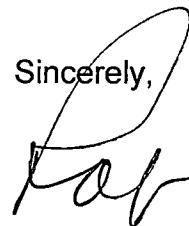
For the reasons described in my enclosed affidavit, I have not been able to complete the Appellants' Initial Brief for this appeal, and I am requesting an extension of time (of 16 days) until December 21, 2016, in order to do so. Accordingly, enclosed for filing are the following:

- (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 December 2, 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.]

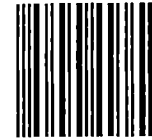
J

The Honorable Jenny Abbott Kitchings
December 2, 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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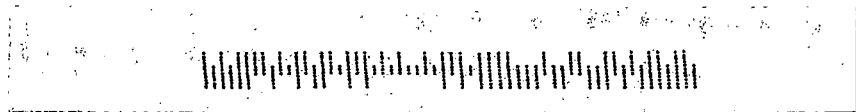


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