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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**

DEC 22 2016

**SC Court of Appeals**

BENJAMIN C. GECY, RIVER CITY DEVELOPERS, LLC and  
RIVER CITY REAL ESTATE, LLC ..... Appellants,  
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 CAROLINA ..... Defendants,

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 14 days from the current due date, that is, through and including  
Wednesday, January 4, 2017.

As appears from the Affidavit of the Appellant's counsel, which is attached to this  
motion, as a consequence of health problems, and the concentration of work

commitments that have resulted from the need to reschedule prior engagements, counsel has been delayed in completing the Initial Brief and Designation, which otherwise would be due on December 21, 2016. Due in part to the holidays, completion of these matters will require an additional two weeks.

Three 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**  
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Telephone: (843) 785-6503  
Email: [rmathlaw@aol.com](mailto:rmathlaw@aol.com)

December 20, 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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Of which HILTON C. SMITH, JR., COOSAW INVESTMENTS,  
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. During that period, changes were made in my blood pressure medications, and they, in turn, led to extreme fluctuations in my blood pressure, all of which inhibited my work productivity.

5. These health issues surfaced again, inhibiting my ability to complete the brief and causing me to miss a deadline last week to obtain the stenographic assistance necessary to complete the brief.

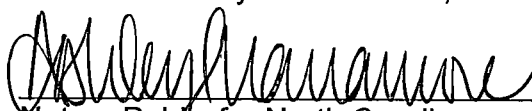
6. Due to work and holiday commitments, both my own and those of persons who would assist me, the earliest that I can return to work on the brief and designation is December 28, 2016. Completion of the brief and designation should be attainable within seven days of that date.

7. The Appellants' Initial Brief and Designation would otherwise have been due on Wednesday, December 21, 2016, and I am requesting an extension of time of 14 days, through and including Wednesday, January 4, 2017.

FURTHER THE AFFIANT SAYETH NOT.

  
Robert V. Mathison, Jr.

SWORN to and Subscribed before me on this 20th Day of December, 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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IN THE COURT OF APPEALS  
Appeal from Beaufort County  
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Carmen Tevis Mullen  
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Appellate Case No. 2016-001113

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SOMERSET POINT AT LADY'S ISLAND HOMEOWNERS'  
ASSOCIATION, INC., f/k/a COOSAW RIVER ESTATES  
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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 20, 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

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SC Court of Appeals

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Kelly D. Dean, Esquire  
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Robert V. Mathison, Jr.  
S.C. Bar No. 3685  
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Developers, LLC, and River City  
Real Estate, LLC

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December 20, 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:

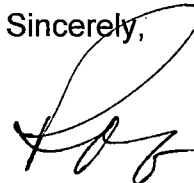
For the reasons described in my enclosed affidavit, I have once again not been able to complete the Appellants' Initial Brief, and I am requesting an extension of time (of 14 days) through Wednesday, January 4, 2017, in order to do so. Accordingly, enclosed for filing are the following:

- (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 20, 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 best wishes for a Merry Christmas, I am

Sincerely,



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

RVM:bh  
Enclosures

[Continued on Page 2.]

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The Honorable Jenny Abbott Kitchings  
December 20, 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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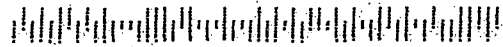


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LAW OFFICES

**MATHISON & MATHISON**

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