

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

JAN 19 2017

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

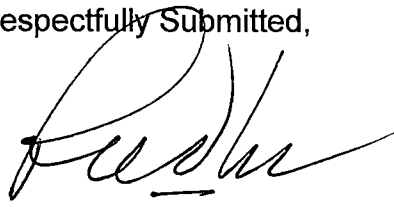
The Appellants, by and through their undersigned attorney, pursuant to Rule 240,
SCACR, move the Court of Appeals for an order extending the time for the Appellants to
file and serve their Initial Brief and Designation of Matter to Be Included in the Record
on Appeal, for an additional six (6) days from the current due date, that is, through and
including Monday, January 23, 2017.

As appears from the Affidavit of the Appellant's counsel, which is attached to this motion, as a consequence of recurring health problems, as well as unanticipated events, counsel has been delayed in completing the Initial Brief and Designation.

Six previous extensions with respect to the Initial Brief and Designation have been sought 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

January 17, 2017

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) last 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. I have continued to deal with health issues that have impacted my ability to complete the brief, including concentration deficits that I believe are related to my medication, as well as with unanticipated events, such as the breaking of a tooth, as described in my previous affidavit.

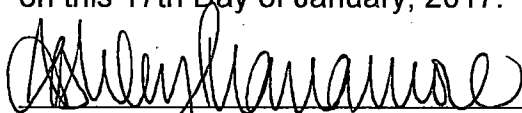
6. The Appellants' Initial Brief and Designation would otherwise have been due on Tuesday, January 17, 2017, and I am requesting an extension of time of six (6) days through and including Monday, January 23, 2017.

FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me
on this 17th Day of January, 2017.

 (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 January 17, 2017, 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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January 17, 2017

Hilton Head Island, South Carolina.

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Hilton Head Island, SC 29938
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January 17, 2017

JAN 19 2017

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:

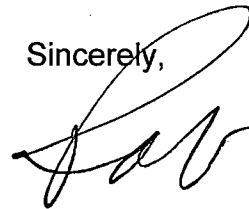
For the reasons described in my enclosed affidavit, I have not been able to complete the Appellants' Initial Brief, and I am requesting an extension of time (of six days) through Monday, January 23, 2017, in order to do so. Accordingly, enclosed for filing are the following:

- (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 January 17, 2017;
- (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,



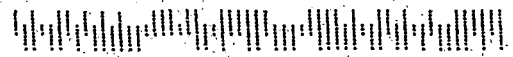
Robert V. Mathison, Jr.
S.C. Bar No. 3685

RVM:bh
Enclosures

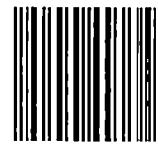
[Continued on Page 2.]

The Honorable Jenny Abbott Kitchings
January 17, 2017
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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