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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
FEB 01 2017
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 an additional seven (7) days from the current due date, that is, through and including Tuesday, February 7, 2017.

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

counsel has been delayed in completing the Initial Brief and Designation, but having taken steps to obtain assistance, does not expect additional delay.

Eight 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 30, 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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Of which HILTON C. SMITH, JR., COOSAW INVESTMENTS,
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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. Another change in my medication has improved my diastolic blood pressure, but has not relieved my insomnia and concentration deficits.

6. The Appellants' Initial Brief and Designation would otherwise have been due on Tuesday, January 31, 2017, and I am requesting an extension of time of seven (7) days through and including Tuesday, February 7, 2017.


7. I have sought the assistance of a person qualified to help me. Unfortunately, more work remained to be done than anticipated, and other, unforeseen obligations intruded on the time available.

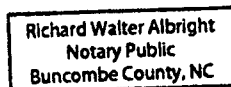
FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me
on this 30th Day of January, 2017.

 (SEAL)
Notary Public for North Carolina
My Commission Expires: 4/10/2021



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IN THE COURT OF APPEALS

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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

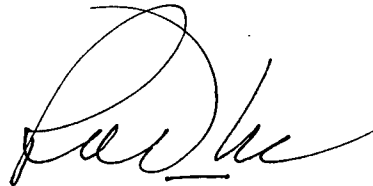
I, Robert V. Mathison, Jr., hereby certify that on January 30, 2017, I filed
and served by mail the original and copies of the Appellants' Notice and Motion to
Extend Time to File and Serve the Appellants' Initial Brief and Designation of Matter To
Be Included in the Record on Appeal, as well as the 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

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

January 30, 2017

Hilton Head Island, South Carolina.

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Hilton Head Island, SC 29938
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SC Court of Appeals

January 30, 2017

Mr. Benjamin C. Gecy
River City Developers, LLC
1857 Ribaut Road
Port Royal, South Carolina 29935

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:

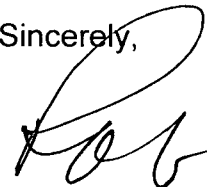
For the reasons described in my enclosed affidavit, I have not been able to complete the Appellants' Initial Brief, and I am requesting an extension of time (of six days) from Tuesday, January 31, 2017, through Tuesday, February 7, 2017, in order to do so. Accordingly, enclosed for filing are the following:

- (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 30, 2017;
- (b) Original and six copies of my Affidavit bearing the same date; and
- (c) Original Proof of Service.

I have also enclosed my 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.]

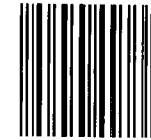
↓

The Honorable Jenny Abbott Kitchings
January 30, 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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MATHISON & MATHISON

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HILTON HEAD ISLAND S.C. 29938-5271

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