

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

FEB 15 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 seven (7) days from the current due date, that is, through
and including Tuesday, February 21, 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, has taken steps to obtain assistance, but has experienced additional delay.

Ten 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
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South Carolina 29938-5271
Telephone: (843) 785-6503
Email: rmathlaw@aol.com

February 13, 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,
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. 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, February 14, 2017, and I am requesting an extension of time of seven (7) days through and including Tuesday, February 21, 2017.


7. I have sought the assistance of a person qualified to help me. However, as with most activities long postponed, additional obligations have intruded on the time available.

FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me on this 13th Day of February, 2017.

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

Richard Walter Albright
Notary Public
Buncombe County, NC

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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.

PROOF OF SERVICE

I, Robert V. Mathison, Jr., hereby certify that on February 13, 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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February 13, 2017

Hilton Head Island, South Carolina.

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Hilton Head Island, SC 29938
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February 13, 2017

FEB 15 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:

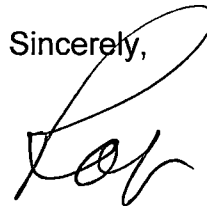
For the reasons described in my enclosed affidavit, I have not been able to complete the Appellants' Initial Brief, and I am requesting an extension of time (of seven days) through Tuesday, February 21, 2017, in order to do so. Accordingly, enclosed for filing are the following:

- (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 February 13, 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.]

J

The Honorable Jenny Abbott Kitchings
February 13, 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

LAW OFFICES
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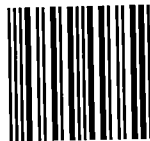
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SC Court of Appeals



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The Honorable Jenny Abbott Kitchings
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