

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 23 2017  
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 an additional seven (7) days from the current due date, that is, through and including Tuesday, February 28, 2017.

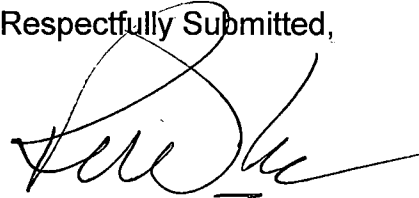
As appears from the Affidavit of the Appellant's counsel, which is attached to this motion, as a consequence of continuing health problems, and unforeseen obligations,



counsel has been delayed in completing the Initial Brief and Designation, has taken steps to obtain assistance, but has experienced additional delay.

Eleven 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  
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Email: [rmathlaw@aol.com](mailto:rmathlaw@aol.com)

February 21, 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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**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.

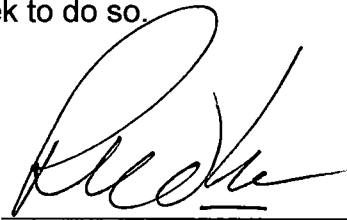
4. I was a candidate for carotid artery surgery (carotid endarterectomy) last fall until an MRI revealed that the need was less urgent than previously believed by my physician. During that period, changes were made in my blood pressure medications, and they, in turn, led to extreme fluctuations in my 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 21, 2017, and I am requesting an extension of time of seven (7) days through and including Tuesday, February 28, 2017.

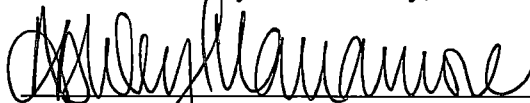
7. Although my condition appears to be improving, I have not been able to complete these matters, and I will require another week to do so.

FURTHER THE AFFIANT SAYETH NOT.



Robert V. Mathison, Jr.

SWORN to and Subscribed before me  
on this 21st Day of February, 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 February 21, 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



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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 21, 2017

Hilton Head Island, South Carolina.

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Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals

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:

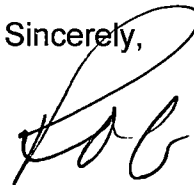
For the reasons described in my enclosed affidavit, I have not been able to complete the Appellants' Initial Brief, and I am requesting an extension of time (of seven days) through Tuesday, February 28, 2017, in order to do so. Accordingly, enclosed for filing are the following:

- (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 21, 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,



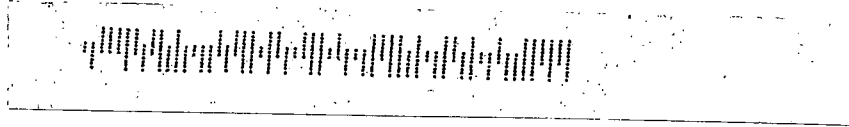
Robert V. Mathison, Jr.  
S.C. Bar No. 3685

RVM:bh  
Enclosures

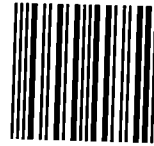
[Continued on Page 2.]

The Honorable Jenny Abbott Kitchings  
February 21, 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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LAW OFFICES  
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