

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

MAY 03 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 BE RELIEVED

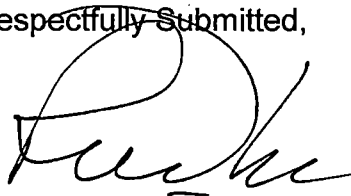
As Counsel for the Appellants

The attorney for the Appellants, pursuant to Rule 240, SCACR, moves the Court of Appeals for an order authorizing him to withdraw and be relieved as counsel for the Appellants, as well as allowing the Appellants sufficient time to obtain new counsel and to submit their initial Brief and Designation.

As appears from the Affidavit of the Appellant's counsel, which is attached to this motion, as a consequence of continuing health problems, counsel has been delayed in

completing the Initial Brief and Designation, and he believes that will be unable to complete it by the established deadline, which is today's date.

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

May 1, 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 70 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 atherosclerosis, pain and related health issues that have impacted my ability to complete the brief, including concentration deficits that I believe are related to my medication, if not to my physical condition.

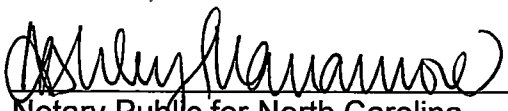
6. I have attempted to complete the Appellants' Initial Brief by today's deadline, but do not believe that I will succeed, and I ask to be relieved so that the Appellants can replace me, finish and file the Brief and Designation of Matter and proceed with the appeal.

FURTHER THE AFFIANT SAYETH NOT.



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

SWORN to and Subscribed before me
on this 1st Day of May, 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 May 1, 2017, I filed and served by mail the original and copies of the Notice and Motion to be Relieved as Counsel for the Appellants, 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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May 1, 2017

Hilton Head Island, South Carolina.

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SC Court of Appeals

May 1, 2017

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:

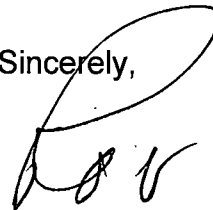
I am herewith submitting my Motion to be Relieved as Counsel for the Appellants. The items enclosed are the following:

- (a) Original and six copies of the Notice and Motion dated May 1, 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
May 1, 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

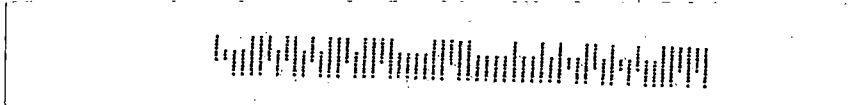


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