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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

Appellate Case No. 2016-001113

Trial Court Case No. 2014-CP-07-02670

RECEIVED

SEP 18 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' Reply Brief

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 Reply Brief for an additional ten days from the current due date, that is, through  
and including Monday, September 25, 2017.

As appears from the Affidavit of William G. Jenkins, Jr., which is attached to this  
motion, as a consequence of the dislocation and loss of work time occasioned by Hurricane Irma,

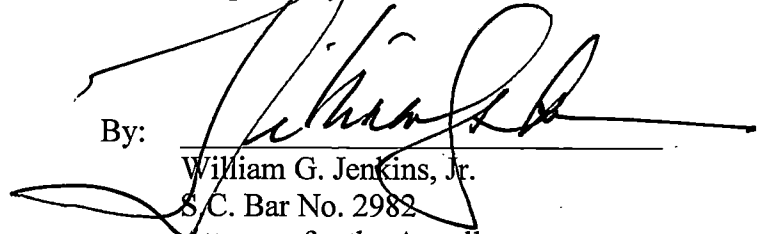


the undersigned attorney for the Appellants has not had sufficient time to complete the Reply Brief, and, accordingly, requests the extension described above.

No previous extension has been requested with respect to the Appellants' Reply Brief.

Respectfully Submitted,

By:



William G. Jenkins, Jr.  
S.C. Bar No. 2982  
Attorney for the Appellants  
Benjamin C. Gecy, River City  
Developers, LLC, and River City  
Real Estate, LLC

**JENKINS, ESQUIVEL & FUENTES, PA**  
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Email: [william@jenkins-esquivel.com](mailto:william@jenkins-esquivel.com)

September 15, 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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CAROLINA are ..... Respondents.

**AFFIDAVIT**  
(WILLIAM G. JENKINS, JR.)

PERSONALLY appeared before me William G Jenkins, Jr. (herein sometimes  
“the Affiant”), who, first being duly sworn, says under oath the following:

1. My name is William G. Jenkins, 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 62 years of age, of sound mind, and I make this Affidavit of my own personal knowledge.

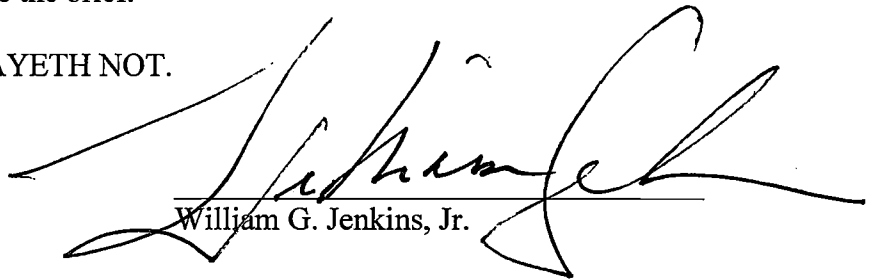
4. I received a copy of the Brief of Respondents Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C. Smith, Jr., Inc. of South Carolina (herein "the Brief of Respondents") on Tuesday, September 5, 2017, and, shortly thereafter, the imminent arrival of Hurricane Irma (herein "Irma") was predicted to impact the Barrier Islands of South Carolina and Georgia.

5. As a consequence of Irma, Hilton Head Island was placed under a mandatory evacuation order, with those who departed not being allowed to return until Tuesday, September 12, 2017.

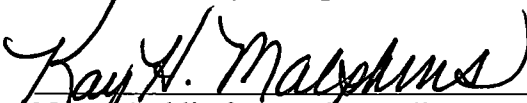
6. Due to the results of Irma, including the dislocation caused by the evacuation, the flooding, tree losses and power outages, it has been impossible to maintain any semblance of a normal work schedule, and the Affiant will require more time to complete the Appellants' Reply Brief in response to the Brief of the Respondents.

7. The Appellants' Reply Brief would have been due to be mailed on today's date, and I am requesting an extension of time of ten days through and including Monday, September 25, 2017, within which to file and serve the brief.

FURTHER THE AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
William G. Jenkins, Jr.

SWORN to and Subscribed before me  
on this 15th Day of September, 2017.

  
\_\_\_\_\_  
Notary Public for North Carolina  
My Commission Expires: 1/26/2019.

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IN THE COURT OF APPEALS

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Carmen Tevis Mullen

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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.

**PROOF OF SERVICE**

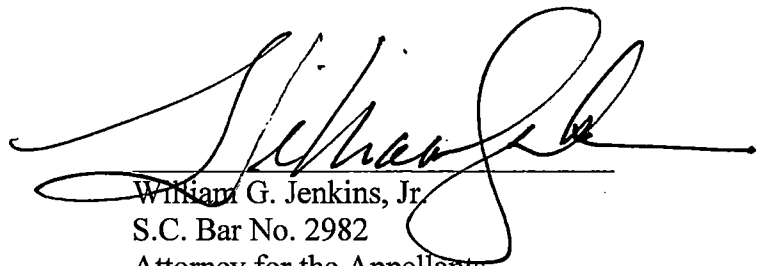
I, William G. Jenkins, Jr., hereby certify that on September 15, 2017, I filed and served by mail the original and copies of the Appellants' Notice and Motion to Extend Time to file and serve the Appellants' Reply Brief, by depositing same, with sufficient first class postage prepaid, at the United States Post Office at Hilton Head Island, South 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  
William S. Watkins, Jr., 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, Freeman & Liipfort, LLC  
Post Office Drawer 570  
Beaufort, South Carolina 29901



William G. Jenkins, Jr.  
S.C. Bar No. 2982  
Attorney for the Appellants  
Benjamin C. Gecy, River City  
Developers, LLC, and River City  
Real Estate, LLC

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Post Office Box 21307  
Hilton Head Island, SC 29925  
Telephone: (843) 593-9999  
Facsimile: (843) 593-9998  
Email: [william@jenkins-esquivel.com](mailto:william@jenkins-esquivel.com)

September 15, 2017

Hilton Head Island, South Carolina.

# JF Jenkins Esquivel JF & Fuentes, P.A.

ATTORNEYS AT LAW

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HECTOR@JENKINS-ESQUIVEL.COM  
LICENSED IN  
SOUTH CAROLINA • GEORGIA • COLORADO

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JOSE A. FUENTES  
JOSE@JENKINS-ESQUIVEL.COM  
LICENSED IN  
SOUTH CAROLINA • FLORIDA

September 15, 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

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Dear Ms. Kitchings:

SEP 18 2017

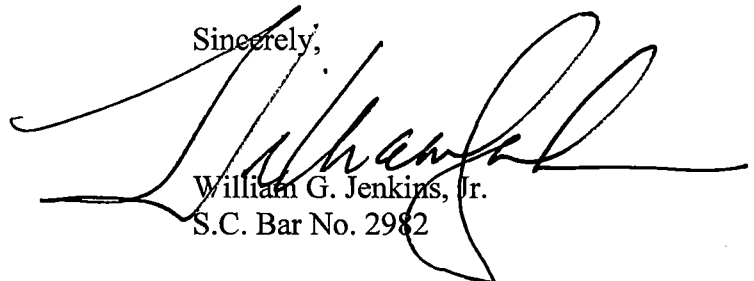
Enclosed please find the following documents:

SC Court of Appeals

1. The original and six copies of the Appellants' Motion to Extend the Time to file their Reply Brief in response to the Initial Brief of the Respondents.
2. The original and six copies of my affidavit in support of the motion.
3. The original Proof of Service.
4. Our check in the amount of \$25.00 to pay the filing fee.

With best regards, I am

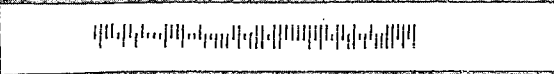
Sincerely,





William G. Jenkins, Jr.  
S.C. Bar No. 2982

WGJr/km  
Enclosures

cc: Morgan S. Templeton, Esquire  
William S. Watkins, Jr., Esquire  
Duke R. Highfield, Esquire  
Jeffrey J. Wiseman, Esquire  
E. Mitchell Griffith, Esquire  
Kelly D. Dean, Esquire  
Robert V. Mathison, Jr., Esquire  
Mr. Benjamin C. Gecy




  
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**JF Jenkins Esquivel  
& Fuentes, P.A.**

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