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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

OCT 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 File and Serve the Proposed 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 the Record on Appeal for an additional eight days from the current due date of October
22, 2017, that is, through and including Monday, October 30, 2017.

As appears from the Affidavit of William G. Jenkins, Jr., which is attached to this
motion, the case on appeal is one of two cases that have been consolidated for discovery, the

other case has a “not before” trial date of November 6, 2017, and, as would be expected, the parties have been intensively engaged in depositions and other discovery, with the result that the documents required to compile the Record on Appeal are spread over two different offices, requiring additional time to gather and collate them.

Accordingly, the undersigned attorney for the Appellants requests the extension described above.

The attorney for the Respondents has consented to this request in writing.

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

October 20, 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

(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.

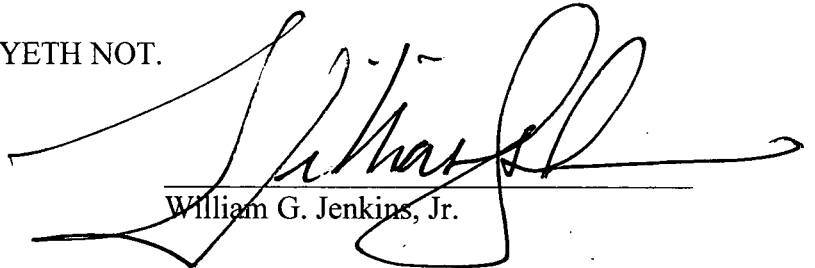
4. The case under appeal has been consolidated, for purposes of discovery and mediation, with another case in the Court of Common Pleas for Beaufort County, South Carolina, to wit, *Benjamin C. Gecy, et al. v. Somerset Point at Lady's Island Homeowners' Association, Inc., et al.*, Case No. 2011-CP-07-03945 (herein "the Other Case"), and the Other Case is under a Scheduling Order that carries a "not before" trial date of November 6, 2017.

5. Due to the need to complete of discovery in the Other Case, a number of depositions have been taken in the last four weeks by co-counsel, and the documents needed to compile the Record on Appeal are spread between two law offices as a consequence.

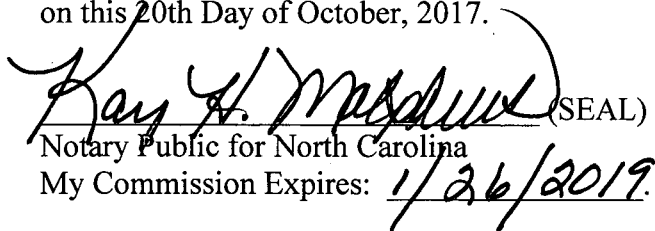
6. Accordingly, the Affiant will require additional time to gather and to collate the documents required, namely, through Monday, October 30, 2017.

7. The attorney for the Respondents has consented in writing to this Motion.

FURTHER THE AFFIANT SAYETH NOT.


William G. Jenkins, Jr.

SWORN to and Subscribed before me
on this 20th Day of October, 2017.

 (SEAL)
Notary Public for North Carolina
My Commission Expires: 1/26/2019

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Of which HILTON C. SMITH, JR., COOSAW INVESTMENTS,
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CAROLINA are Respondents.

PROOF OF SERVICE

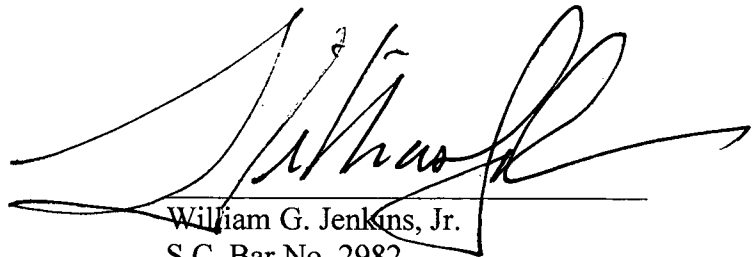
I, William G. Jenkins, Jr., hereby certify that on October 20, 2017, I filed and served by mail the original and copies of the Appellants' Notice and Motion to Extend Time to file and serve the Proposed Record on Appeal, by depositing same, with sufficient first class postage prepaid, at the United States 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 W. 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

JENKINS, ESQUIVEL & FUENTES, PA
Post Office Box 21307
Hilton Head Island, SC 29925
Telephone: (843) 593-9999
Facsimile: (843) 593-9998
Email: william@jenkins-esquivel.com

October 20, 2017

Hilton Head Island, South Carolina.

JF Jenkins Esquivel & Fuentes, P.A.

ATTORNEYS AT LAW

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

WILLIAM G. JENKINS, JR.
WILLIAM@JENKINS-ESQUIVEL.COM

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

October 20, 2017

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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Re: Benjamin C. Gecy, et al. v. Somerset Point at Lady's Island Homeowners
Association, Inc., et al.
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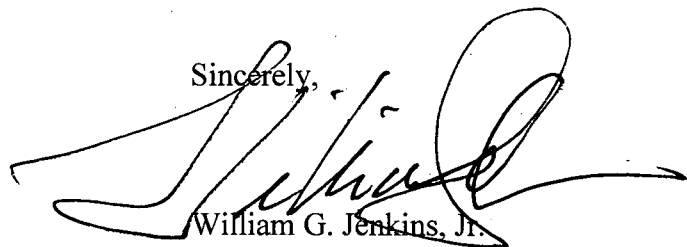
Dear Ms. Kitchings:

Enclosed please find the following documents:

1. The original and six copies of the Appellants' Motion to Extend the Time to file the Proposed Record on Appeal.
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

WGJ: 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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SEP 16 2011
SC Court of Appeals



JF Jenkins Esquivel
JF & Fuentes, P.A.

POST OFFICE BOX 21307
HILTON HEAD ISLAND, SC 29925

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Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

