

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

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NOV 13 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, Hilton C. Smith, Jr., Inc., of South Carolina and  
Manorhouse Builders of South Carolina, LLC ..... Defendants,

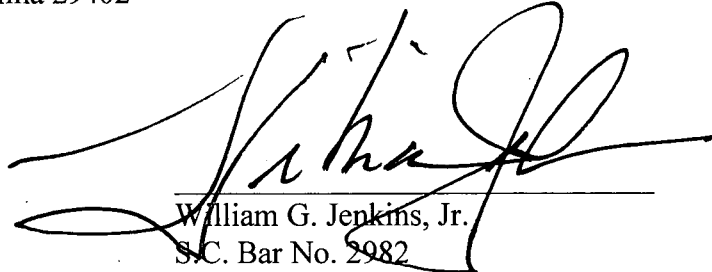
Of which Hilton C. Smith, Jr., Coosaw Investments, LLC, and Hilton C.  
Smith, Jr., of South Carolina are ..... Respondents.

**PROOF OF SERVICE**

I, William G. Jenkins, Jr., hereby certify that on November 10, 2017, I filed and served by mail (a) one unbound and 14 bound copies of the Record on Appeal and (b) one bound copy of the Record on Appeal, respectively, by depositing same, with sufficient first class postage prepaid, at the United States Post Office at Beaufort, South Carolina, addressed to the following persons:

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

(b) Morgan S. Templeton, Esquire  
Peden Brown McLeod, Esquire  
John J. Dodds, IV, Esquire  
Wall, Templeton & Haldrup, P.A.  
Post Office Box 1200  
Charleston, South Carolina 29402



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

Attorney for the Appellants  
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Developers, LLC, and River City  
Real Estate, LLC

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November 10, 2017

Hilton Head Island, South Carolina.

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

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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:

Enclosed please find the following:

1. One unbound and 14 bound copies of the Record on Appeal in this case.
2. The original certificate of Counsel under Rule 210(g), SCACR.
3. The original Proof of Service.

In accordance with the letter of V. Claire Allen dated November 2, 2017, we have addressed each of the matters raised therein. Accordingly, the Record (a) has been reformed to be double-sided, (b) has been submitted in the required format and number of copies, and (c) is accompanied by the Certificate of Counsel under Rule 210(g), SCACR.

With respect to the Index, one has now been included. We requested Mr. Templeton's consent to reorganize the proposed record, but he declined, stating that the Respondents' Brief had already been submitted to the printer. Therefore, there has been no change in the pagination from the proposed record, and the Index reflects that fact, though we have made every effort to follow Rules 210(c) and (e), SCACR, in arranging the Index. Put simply, the motion for summary judgment that was granted below was not based on affidavits or other evidence in the instant case, except the record made in two prior cases. The materials from those two cases have been included in chronological order as though they had been formally introduced as exhibits.

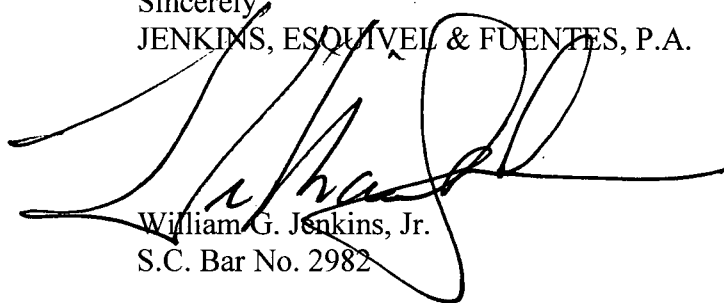
Finally, we have included on the cover page of the Record all of the attorneys to whom Ms. Allen's letter made reference. Nevertheless, I am advised that Mr. McLeod is no longer employed by the Respondents' law firm, and that William W. Watkins, Jr., Esquire, who is so employed, is now working on this case. That is why he is copied on his letter, as appears below.

The Honorable Jenny Abbott Kitchings  
November 10, 2017  
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Also, we have made every effort to mirror as the caption for the cover page of the Record on Appeal that which was required by Ms. Allen's letter or was suggested by the form set forth in Rule 267(a), SCACR.

With kind regards, I am

Sincerely,  
JENKINS, ESQUIVEL & FUENTES, P.A.



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

WGJjr:km  
Enclosures

cc: Morgan S. Templeton, Esquire  
William W. Watkins, Jr., Esquire  
John J. Dodds, IV, 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

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

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