STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY	)	CASE NO. 2008-CP-26-7941
John Sherrill and Estate of Gaye Marie Reynolds,	)	
Plaintiffs,	)	
Gary Moore and Robert Moore,	)	**ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION**
Defendants.	)	

2013 MAY 29 AM 8:21
MELANIE HUGGINS-WARD
CLERK OF COURT
HORRY COUNTY

Presiding Judge: Cynthia Graham Howe
Attorney for Plaintiffs: Gene M. Connell, Jr.
Attorney for Defendant Robert Moore: Cheevin T. "Lex" Gardner
Attorney for Defendant Gary Moore: Kimberley Campbell

The underlying lawsuit is an action to collect on a civil judgment obtained by the Plaintiffs against Gary Moore. By Order dated April 15, 2013 and filed April 19, 2013, the undersigned ruled that Defendant Gary Moore is entitled to the homestead exemption in certain property located at 5848 Creekside Drive, Myrtle Beach, South Carolina, and that the successful bidder at a judicial sale of the property shall be required to pay the selling officer cash in an amount equal to the homestead exemption, even if the successful bidder is the judgment creditor.

The Plaintiffs timely filed a Motion for Reconsideration pursuant to Rule 59, SCRCP, on the grounds that allowing the homestead exemption in this case violates the Victim's Bill of Rights as set forth in the South Carolina Constitution.

This argument was raised for the first time in the Plaintiffs' Motion for Reconsideration. A party may not use a Rule 59 or other post trial motion to present the Court with issues that could have been raised earlier but were not. *Hickman v. Hickman*, 301 S.C. 455, 392 S.E.2d 481 (Ct.App. 1990).

IT IS SO ORDERED.

Cindy Graham Howe
Horry County Master in Equity

Dated: May 23, 2013
Conway, South Carolina