

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

COUNTY OF MCCORMICK Civil Action No. 2011-CP-34-00035

Samuel L. McPherson, as Presiding Elder of the Abbeville-Greenwood District of the African Methodist Episcopal Church,

Plaintiff,

vs.

Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank Mattison,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND

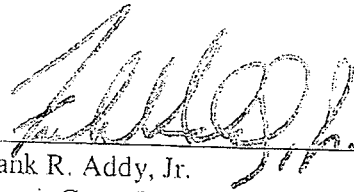
THIS MATTER IS BEFORE THE COURT on September 5, 2013 on Plaintiff's motion to alter or amend the court's order of June 27, 2013 pursuant to Rule 59 (e) of the South Carolina Rules of Civil Procedure. The original hearing in this matter was held on May 22, 2013. The hearing on the motion for reconsideration was held in Greenwood County with the consent of the parties. The court has considered the arguments of counsel for Plaintiff and Defendants, fully considered the applicable law and exhibits, reviewed the briefs submitted, and the court finds as follows:

- (1) The order of June 27, 2013 shall be modified in one respect: The court wishes to clarify that the order of June 27, 2013 did not find as fact or otherwise hold that Defendants were the current Trustees of Rockford A.M.E. Church.
(2) With regard to Plaintiff's argument that the court should impose a constructive trust upon the real and personal property at issue in this case, the court finds that this argument was not raised at the hearing. Accordingly, consideration of this argument within the context of a Rule 59 motion would be improper. Additionally, the court can find no legal basis for imposition of a constructive trust under the facts of this case.

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(3) In all other respects, the order of June 27, 2013 remains unaltered.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Frank R. Addy, Jr.", written over a horizontal line.

Frank R. Addy, Jr.  
Circuit Court Judge

September 6, 2013  
Greenwood, South Carolina