

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Wells Fargo Bank, N.A., Respondent,

v.

Lynn D. Simpson; Wells Fargo Bank, N.A. (Charlotte,
NC); and The Lofts at Mills Mill Condominium Owners
Association, Inc., Defendants,

Of whom Lynn D. Simpson is the Appellant.

Appellate Case No. 2012-213505

Appeal From Greenville County
Charles B. Simmons, Jr., Master-in-Equity

Unpublished Opinion No. 2013-UP-474
Submitted November 1, 2013 – Filed December 18, 2013

AFFIRMED

Marcus Wesley Meetze, of the Law Office of Marcus W.
Meetze, LLC, of Greenville, for Appellant.

Shelton Sterling Laney, III, of Greenville, Jana Bebergal
Baker, of Charleston, and Matthew Todd Carroll, of
Columbia, all of Womble Carlyle Sandridge & Rice,
LLP, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Degenhart v. Knights of Columbus*, 309 S.C. 114, 118, 420 S.E.2d 495, 497 (1992) ("An issue on which the [lower court] never ruled and which was not raised in post-trial motions is not properly before this [c]ourt."); *Plantation Shutter Co. v. Ezell*, 328 S.C. 475, 481 n.2, 492 S.E.2d 404, 407 n.2 (Ct. App. 1997) (noting issues are not preserved for appellate review when the lower court never ruled on the issues and the appellant never made a motion to alter or amend the judgment pursuant to Rule 59(e), SCRCPP); *McClurg v. Deaton*, 395 S.C. 85, 86-87, 716 S.E.2d 887, 887-88 (2011) ("A meritorious defense is necessary in order for a judgment to be set aside under Rule 60(b)."); *id.* at 87, 716 S.E.2d at 888 (holding if the meritorious defense factor is not ruled upon by the lower court, the denial of a Rule 60(b) claim is not preserved for appellate review); *id.* (affirming based on preservation because "the issue of a meritorious defense was neither raised to nor ruled upon by the [lower] court"); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (noting a party must file a Rule 59(e), SCRCPP, motion "when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review").

AFFIRMED.¹

HUFF, GEATHERS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.