

Exhibit B

**Order Denying Plaintiffs' Motion to
Reconsider Order of Dismissal**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF COLLETON)
)
 James C. Kincannon, James J. Kincannon, and)
 Carolyn R. Kincannon)
)
 Plaintiffs)
)
 v.)
)
 U.S. Bank National Association, U.S. Bank)
 National Association ND, Palmetto Property)
 Conversation, and Mark Brown)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 Civil Action No. 2013-CP-15-1023

**ORDER DENYING PLAINTIFFS'
 MOTION TO RECONSIDER ORDER
 OF DISMISSAL**

PATRICIA C. GRANT
 COLLETON COUNTY
 COMMON PLEAS
 2014 FEB 26 AM 9:00

This matter came before the Court upon Plaintiffs' Motion for Reconsideration of the Court's Order of December 18, 2013. The Order dismissed Plaintiffs' causes of action for (1) declaratory judgment, (2) statutory failure to release mortgage, and (3) and contractual failure to release mortgage. The Order did not dismiss Plaintiffs' cause of action for permanent injunction. Plaintiffs' now move pursuant to Rules 59(e) and 60(b) of the South Carolina Rules of Civil Procedure for the Court to reconsider its Order of Dismissal.

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 PmB

Plaintiffs' Motion to Reconsider sets out twenty-three (23) enumerated grounds for relief. While the Court has carefully considered each ground, Plaintiffs' Motion to Reconsider contains no valid legal basis for reversal of the Court's Order. Therefore, the Court hereby DENIES PLAINTIFFS' MOTION TO RECONSIDER.

Rule 59(e) permits a court to alter or amend a judgment. Rule 59(e), South Carolina Rules of Civil Procedure. The rule permits a court to amend a judgment for three reasons: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. *E.E.O.C. v.*

Lockheed Martin Corp., 116 F.3d 110, 112 (4th Cir. 1997). Motions under Rule 59 are limited in scope, as they are not intended to rehash the same arguments and facts previously presented. *Dockins v. Benchmark Commc'ns*, 180 F.R.D. 294, 295 (D. S.C. 1998). Similarly, a party cannot use Rule 59(e) to present to the court an issue the party could have previously raised prior to judgment but did not. *Hickman v. Hickman*, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

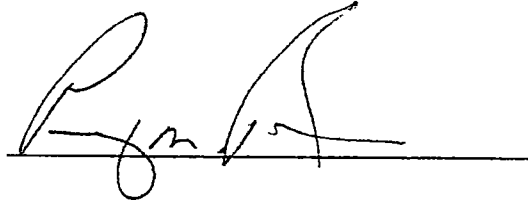
Rule 60(b) permits relief from a final order only upon a particularized showing of mistake, inadvertence, excusable neglect, surprise, newly discovered evidence, fraud, misrepresentation, or other misconduct of an adverse party. *Tobias v. Rice*, n. 3, 386 S.C. 310, 688 S.E.2d 552, 553 (2010) (citing *Sundown Operating Co., Inc. v. Intedge Industries, Inc.*, 383 S.C. 601, 681 S.E.2d 885 (2009)). A party seeking to set aside a judgment pursuant to Rule 60(b) has the burden of presenting evidence entitling him to the requested relief. *Lanier v. Lanier*, 364 S.C. 211, 215, 612 S.E.2d 456, 458 (Ct. App. 2005).

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PMB

Plaintiffs' Motion to Reconsider does not set forth any intervening change in controlling law, it does not claim any new evidence not previously available, and it does not attempt to correct a clear error of law or prevent manifest injustice. Likewise, Plaintiffs' Motion to Reconsider does not attempt to demonstrate "a particularized showing of mistake, inadvertence, excusable neglect, surprise, newly discovered evidence, fraud, misrepresentation, or other misconduct of an adverse party." As a result, Plaintiffs' Motion does not identify any valid ground for the Court to alter or amend its' Order. Therefore, Plaintiffs' Motion does not meet the applicable legal standards.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Reconsider is hereby DENIED.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Perry M. Buckner", is written over a solid horizontal line.

Perry M. Buckner
Presiding Judge, Fourteenth Judicial Circuit

Walterboro, South Carolina

February 24, 2014