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December 11, 2014

Clerk of Court
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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DEC 12 2014

SC Court of Appeals

Re: 21st Mortgage Corp. v. Youmans, et.al., No. 2011-CP-03-127
Appellate Case No. 2013-001844

Dear Ms. Kitchings,

This is a Rule 208(b)(7), SCACR, letter to bring *Buist v. Buist*, Op. No. 27468 (S.C. Sup.Ct. filed December 3, 2014) (Shearouse Adv.Sh. No. 49 at 61), to the Court's attention.

Buist holds that an issue will not be heard on appeal unless it was raised and ruled on in the trial court, and that a party must draw the trial court's attention to the precise nature of the alleged error. It is cited to show that 21st Mortgage's arguments about collateral estoppel do not preserve its new arguments about the constitution or whether Youman's judgment satisfies S.C. Code Ann. § 37-2-404(1).

At yesterday's oral argument, the parties agreed that 21st Mortgage did not argue constitutional due process to the trial court. The trial court did not rule on the constitution (Record pp. 2-8); the Rule 59 motion did not ask for a ruling on the constitution (Record, 55-57); and the constitution was not cited in either of 21st Mortgage's two appellate briefs.

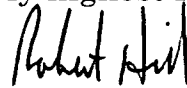
21st Mortgage likewise raises new argument when it says that Youman's judgment does not satisfy S.C. Code Ann. § 37-2-404(1). The record does not show that this was raised before the trial court entered summary

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judgment, and neither the Rule 59 motion (Record, pp. 55-57) nor 21st Mortgage's opening appellate brief mentions § 37-2-404(1) or offers any views on the provision's proper construction.

Chief Judge Few and Judges Thomas and Lockemy heard the appeal. Please bring *Buist* to their attention.

My highest regards,

A handwritten signature in black ink, appearing to read "Robert Hill". The signature is written in a cursive style with some loops and flourishes.

Robert Hill

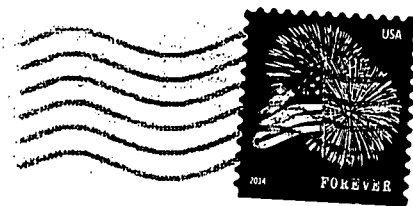
cc: Mark B. Tinsley, Esq.
Thomas E. Lydon, Esq.

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