

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Bank of America, N.A., successor by merger
to BAC Home Loan Servicing, LP FKA
Countrywide Home Loans Servicing, LP

Plaintiff,

vs.

Michelle Minardi and Ameris Bank,

Defendants.

IN THE COURT OF COMMON PLEAS

Case No.: 2011-CP-46-04278

**ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER**

FILED-RECEIVED
2015 JUL 31 AM 11:00
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

This matter came before me on the Defendant Minardi's Motion to Reconsider pursuant to Rule 59(e), SCRCF. Representing Plaintiff was William P. Stork, and representing Defendant Minardi was J. Cameron Halford. Based upon the record before me, I make the following findings and conclusions.

BACKGROUND

Defendant submitted an Answer and Counterclaim on January 10, 2012. The case was referred to me as Master in Equity for York County.

Defendant filed the present motion on May 29, 2015, after the Defendant's Motion to bifurcate and remand legal counterclaims was denied.

DISCUSSION

The purpose of Rule 59(e), SCRCF, to alter or amend the judgment is to request the trial judge to "reconsider matters properly encompassed in a decision on the merits." *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992) (Citations omitted). A party cannot use a motion to reconsider, alter or amend a judgment to present an issue that could have been raised prior to the judgment but was not. *See Johnson v. Sonoco Products Co.*, 381 S.C. 172, 672 S.E.2d 567 (2009); and, *Poch v. Bayshore Concrete Products/South Carolina, Inc.*, 386 S.C. 13, 686 S.E.2d 689 (Ct. App. 2009).

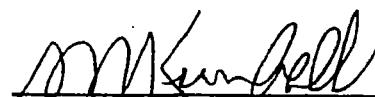
Upon reviewing the record presented, and considering the memoranda and arguments of counsel, I find no matter presented that was not addressed expressly or by clear implication in the prior order. I further find no basis for reconsideration or amendment of the court's ruling in the prior order.

DM
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Therefore, it is ordered that Defendant's Motion pursuant to Rule 59(e), SCRCP, be denied.

AND IT IS SO ORDERED.

July 29, 2015



S. Jackson Kimball
Master in Equity for York County

JS