

**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**

Bank of America f/k/a Countrywide Home Loans, d/b/a
America's Wholesale Lending, Respondent,

v.

Cornell L. Williams, Deborah P. Williams, George
Rodney Derrick and Mary Scarborough, as Delinquent
Tax Collector for Charleston County,

of whom George Rodney Derrick is the Appellant.

Appellate Case No. 2014-001113

Appeal From Charleston County
Mikell R. Scarborough, Master-in-Equity

Unpublished Opinion No. 2015-UP-507
Submitted September 1, 2015 – Filed November 4, 2015

AFFIRMED

Steven L. Smith, of Smith Closser, of Charleston, for
Appellant.

Dean Anthony Hayes, of Hayes Law, LLC, of Columbia,
for Respondent.

PER CURIAM: George Rodney Derrick appeals the master-in-equity's order denying his motion for reconsideration. On appeal, Derrick argues the master-in-equity erred in (1) finding he was properly served by publication and (2) not holding a hearing on his motion for reconsideration. We affirm.

1. Derrick's argument that the affidavit supporting the petition for publication contained material misrepresentations is not preserved. Although Derrick asserted in his May 5, 2014 and May 8, 2014 motions that he was not properly served, he did not allege fraud, assert Bank of America did not comply with the statute for service by publication, or assert the affidavit of publication was not filed. *See Caldwell v. Wiquist*, 402 S.C. 565, 577, 741 S.E.2d 583, 589-90 (Ct. App. 2013) (finding the issue of whether the order of publication was obtained by fraud was not preserved when the appellant never raised that argument to the trial court).

2. Derrick's argument that the master-in-equity violated his due process rights by not holding a hearing is not preserved. *See Caldwell*, 402 S.C. at 576, 741 S.E.2d at 589 ("Issues and arguments are preserved for appellate review only when they are raised to and ruled on by the lower court."); *id.* ("Constitutional arguments are no exception to the preservation rules.").

AFFIRMED.¹

HUFF, WILLIAMS, and THOMAS, JJ., concur.

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