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IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

Deutsche Bank National Trust Company, )  
as Trustee on Behalf of the )  
Certificateholders of Morgan Stanley ABS )  
Capital I Inc. Trust 2004-NC8 for )  
Mortgage Pass Through Certificates, Series )  
2004-NC8, )

Plaintiff, )

vs. )

James T. Burr a/k/a James Burr and Grand )  
Strand Water & Sewer Authority, )

Defendants. )

Civil Action No. 2012-CP-26-04695

ORDER DENYING MOTION TO RECONSIDER

THIS MATTER COMES BEFORE THE COURT on Defendant James T. Burr a/k/a James Burr's ("Burr") Rule 59(e) Motion to Reconsider this Court's Order Granting Plaintiff's Motion for Partial Summary Judgment entered on September 30, 2016 (the "Order"). The parties have requested this matter be decided on the briefing alone, and therefore, a hearing is not necessary.

After consideration of the parties written submissions, the Court finds as follows:

1. In South Carolina, a motion to reconsider pursuant to Rule 59(e), SCRCP, is appropriate in two basic situations. First, "[a] party *may* wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (emphasis in original). Second, "[a] party *must* file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review." *Id.*

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2. This Court finds that Burr's Motion to Reconsider does not point to any issues that were presented to, but not ruled upon, by the Court. Nor does the motion identify any point of law or fact that the Court misunderstood or failed to fully consider.

3. Based on the foregoing, the Court concludes there have been no misunderstandings by the Court and no argument that the Court has not ruled upon in the Order.

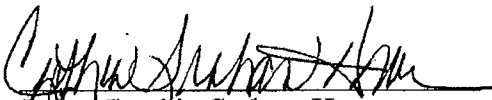
4. The Order correctly held there is no genuine issue of material fact precluding summary judgment. All of Burr's counterclaims and affirmative defenses were based on an alleged agreement to refinance his loan in 2008 that was never consummated. Despite several invitations from the Court, Burr never submitted any evidence concerning his application for, or the terms of, the refinance loan that he alleges he entered into in 2008. In fact, Burr's counsel admitted at oral argument that no such evidence exists. Burr's counsel also admitted that Burr's responses to Deutsche Bank's discovery requests did not create an issue of material fact.

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*CPA*

**NOW THEREFORE**, based on the foregoing, the Court hereby **DENIES** Burr's Motion to Reconsider.

**IT IS SO ORDERED.**

March 14, 2017

  
Judge Cynthia Graham Howe  
Master-in-Equity  
Horry County South Carolina