

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
First Federal Savings and Loan )  
Association of Charleston, )  
)   
Plaintiff, )  
)   
vs. )  
)   
James H. Southard, Jr.; and Terri )  
Southard a/k/a Terri M. Southard, )  
)   
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
Case No.:2011-CP-10-0046

ORDER DENYING DEFENDANTS'  
MOTION TO RECONSIDER

FILED  
OCT 29 PM 4:58  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

This matter came before this Court on September 10, 2012 on Plaintiff's Motion for Summary Judgment. The Court granted Plaintiff's Motion for Summary Judgment by Court Order on September 10, 2012. Defendants have now filed a Motion to Reconsider.

Standard of Review

Power to open, modify or vacate a judgment is possessed solely by the court that rendered judgment. Coleman v. Dunlap, 413 S.E.2d 15 (S.C. 1992). A Rule 59(e) motion is not only the proper vehicle to request a court to alter or amend a judgment, but also to seek reconsideration of issues and arguments previously presented. Elam v. South Carolina Dept. of Transp., 361 S.E.2d 772 (S.C. 2004). It is well established that a Rule 59(e) motion can be successful in only three situations: (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. Zinkand v. Brown, 478 F.3d 634 (4th Cir. 2007).

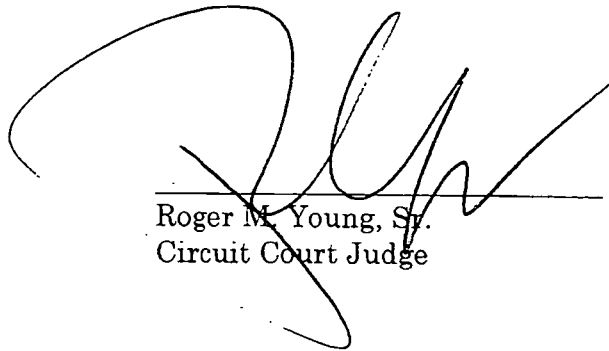
Conclusion

I have considered the arguments, supporting and opposing documents, and based on same DENY Defendants' Motion to Reconsider the September 10, 2012 Order.

AND IT IS SO ORDERED.

W/25, 2012

Charleston, South Carolina



Roger M. Young, Sr.  
Circuit Court Judge