

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

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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.

10/25, 2012

Charleston, South Carolina



Roger M. Young, Sr.
Circuit Court Judge

**JAMES H. SOUTHARD, JR.,
4830 Lambs Road
Charleston, SC 29418**

December 14, 2012

Honorable Jeanette F. Barber
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF
CHARLESTON V. JAMES H. SOUTHARD, JR., AND TERRI SOUTHARD
AKA TERRI M. SOUTHARD Case No.:2011-CP-10-0046

Dear Honorable Jeanette F. Barber:

Enclosed you will find two sets of copies the only 2 Order issued by the court in this case (Form 4 Order and an Order Denying Motion for Reconsideration). I must have neglected to attach these documents in the packet I sent to the Court of Appeals.

Respectfully,



James H. Southard, Jr.

cc: Attorney Magalie A. Arcure
Finkel Law Firm, LLC
P.O. Box 225
Charleston, SC 29402

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