



# The South Carolina Court of Appeals

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October 19, 2020

The Honorable Julie J. Armstrong  
100 Broad St Ste 106  
Charleston SC 29401-2210

## REMITTITUR

Re: Emory J. Infinger and Assoc. v. N. Charleston Com. Ctr.  
Lower Court Case No. 2012CP1002872  
Appellate Case No. 2016-002366

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

  
CLERK

Enclosure

cc: Jackson Seth Whipper, Esquire  
Theodore Luke Manos, Esquire  
William Koatesworth Swope, Esquire

**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**

Emory J. Infinger and Associates Construction Company,  
Inc., Respondent,

v.

North Charleston Community Interfaith Shelter, Inc.,  
Bobby Knight, in his official capacity as Chairman and  
President of Board for The Good Neighbor Center, The  
Good Neighbor Center, Bank of America, N.A., S.C.  
State Housing Finance and Development Authority,  
Atlantic Construction Services, Inc., L&W Supply  
Corporation dba CK Supply, Now Mechanical, Inc.,  
Wilson & Associates Electrical Contractors, Inc.,  
Defendants,

Of which North Charleston Community Interfaith  
Shelter, Inc. is the Appellant.

Appellate Case No. 2016-002366

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

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Unpublished Opinion No. 2020-UP-004  
Heard December 10, 2019 – Filed January 8, 2020

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**AFFIRMED**

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Jackson Seth Whipper, of Whipper Law Firm, and  
William Koatesworth Swope, of The Swope Law Firm,  
PA, both of Charleston, for Appellant.

Theodore Luke Manos, of Robertson Hollingsworth  
Manos & Rahn, LLC, of Charleston, for Respondent.

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**PER CURIAM:** The North Charleston Community Interfaith Shelter, Inc. (the Shelter) appeals a Master-in-Equity's order foreclosing Emory J. Infinger and Associates Construction Company, Inc.'s (Infinger's) mechanic's lien against the Shelter and finding the Shelter breached the parties' contract. The Shelter alleges (1) Infinger's mechanic's lien was barred because it was not filed within the ninety day period found in section 29-5-90 of the South Carolina Code (2007), (2) Infinger breached the parties' agreement (the Agreement) by not following the Agreement's dispute resolution regime, and (3) the Master's damage award failed to specify the elements of damages pursuant to the Agreement. We affirm the Master's order.

## I.

We find the Shelter's first issue is not preserved. The Shelter never raised this issue at trial, and therefore, it is unpreserved. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge."); *In re Walter M.*, 386 S.C. 387, 392, 688 S.E.2d 133, 136 (Ct. App. 2009) ("Arguments raised for the first time on appeal are not preserved for our review.").

We also find the Shelter's second issue is not preserved. While the Shelter did state this issue broadly in its two-page motion for a new trial, the Master did not rule on this issue, and the Shelter did not file a Rule 59(e), SCRPC, motion. *See Shealy v. Aiken Cty.*, 341 S.C. 448, 460, 535 S.E.2d 438, 444–45 (2000) (holding trial court's general ruling insufficient to preserve specific issue for appellate review, and finding when trial court does not explicitly rule on an argument raised, and no Rule 59(e) motion was filed, appellate court may not address the issue). Therefore, this issue is not preserved for our review.

Lastly, we find the Shelter's third argument is unpreserved. The Shelter did not raise this issue at trial; rather, the amount of damages was never contested and all

evidence pertaining to damages came in without objection. *In re Walter M.*, 386 S.C. at 392, 688 S.E.2d at 136 ("Arguments raised for the first time on appeal are not preserved for our review.").

Accordingly, due to the Shelter's issues being unpreserved, we affirm the Master's order.

**AFFIRMED.**

**LOCKEMY, C.J., and KONDUROS and HILL, JJ., concur.**