

**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**

Branch Banking and Trust Company, Respondent,

v.

Graphic Express, LLC, Lanny R. Gunter, II, and Harry B.
Benenhaley, Appellants.

Appellate Case No. 2012-213203

Appeal From Richland County
L. Casey Manning, Circuit Court Judge

Unpublished Opinion No. 2014-UP-278
Submitted April 1, 2014 – Filed June 30, 2014

AFFIRMED

S. Jahue Moore and John Calvin Bradley, Jr., both of
Moore, Taylor & Thomas, P.A., of West Columbia, for
Appellants.

Laura Simons Greaver and Jesse Ronald Jones, Jr., both
of Clawson & Staubes, LLC, of Charleston, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 301, 641 S.E.2d 903, 907 (2007) (stating issues not raised to and ruled upon by the trial court will not be considered on appeal); *Price v. Pickens Cnty.*, 308 S.C. 64, 68, 416 S.E.2d 666, 668 (Ct. App. 1992) ("A trial [court] will not be reversed for failing to act on a matter that was not submitted to him."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) ("A party *must* file [a Rule 59(e), SCRCRCP,] motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review."); *Gilmore v. Ivey*, 290 S.C. 53, 58, 348 S.E.2d 180, 183 (Ct. App. 1986) ("While statements of fact can . . . be entitled to consideration by the court in determining whether a genuine issue of material fact exists, factual statements of counsel . . . made during oral argument . . . ordinarily may not be so considered." (citation omitted)); Rule 210(h), SCACR ("[T]he appellate court will not consider any fact which does not appear in the Record on Appeal.").

AFFIRMED.¹

HUFF, THOMAS, and GEATHERS, JJ., concur.

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