

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**

Charleston Scottish Rite Center
Historical & Educational
Foundation, Inc., Appellant,

v.

Centimark Corporation, Respondent.

Appeal From Charleston County
J. Michael Baxley, Circuit Court Judge

Unpublished Opinion No. 2012-UP-230
Heard March 19, 2012 – Filed April 18, 2012

REVERSED

Steven L. Smith and Zachary J. Closer, both of
Charleston, for Appellant.

John P. Liekar Jr., of Pittsburgh, Pennsylvania; and
Preston Bruce Dawkins Jr., of Florence, for
Respondent.

PER CURIAM: Appellant Charleston Scottish Rite Center Historical & Educational Foundation, Inc. (Scottish Rite) appeals from an order granting Respondent Centimark Corporation's (Centimark) motion for summary judgment based upon the trial court's finding that the limited warranty barred all of Scottish Rite's claims against Centimark. On appeal, Scottish Rite argues the trial court erred in granting summary judgment because (1) genuine issues of material fact remained in dispute and (2) the limited warranty was invalid or unenforceable. We reverse.

1. As to Scottish Rite's argument that genuine issues of material fact remained in dispute, we find the trial court erred in granting summary judgment because there was a genuine issue of material fact as to whether the limited warranty was part of the contract. See Rule 56(c), SCRPC (providing summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law"); Spence v. Wingate, 395 S.C. 148, 156, 716 S.E.2d 920, 925 (2011) ("In determining whether any triable issues of fact exist, the trial court must view the evidence and all reasonable inferences that may be drawn therefrom in the light most favorable to the party opposing the motion." (citation omitted)); id. ("An appellate court applies the same standard used by the trial court under Rule 56(c) when reviewing the grant of a motion for summary judgment." (citation omitted)); id. ("Because summary judgment is a drastic remedy, it should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial." (citation omitted)).

2. As to Scottish Rite's argument that the limited warranty was invalid or unenforceable, we decline to address the issue because it is not necessary to the decision of this appeal. See Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing an appellate court need not address all issues on appeal when the disposition of one issue is dispositive).

REVERSED.

PIEPER, KONDUROS, and GEATHERS, JJ., concur.