



# The South Carolina Court of Appeals

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July 13, 2018

The Honorable Winnifa Brown-Clark  
PO Box 9000  
Orangeburg SC 29115-9000

## REMITTITUR

Re: James Hensley v. Giles Homes  
Lower Court Case No. 2015CP3801199  
Appellate Case No. 2017-000618

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,

*V. Claire Allen, Deputy*  
CLERK

Enclosure

cc: Lawrence Keitt, Esquire  
Kimila Lynn Wooten, 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**

James E. Hensley, Appellant,

v.

Giles Homes, LLC f/k/a Giles Industries of Tazewell,  
Inc., Respondent.

Appellate Case No. 2017-000618

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Appeal From Orangeburg County  
R. Knox McMahon, Circuit Court Judge,

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Unpublished Opinion No. 2018-UP-291  
Submitted June 1, 2018 – Filed June 27, 2018

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**AFFIRMED**

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Lawrence Keitt, of Law Office of Lawrence Keitt, of  
Orangeburg, for Appellant.

Kimila Lynn Wooten, of Elmore Goldsmith, PA, of  
Greenville, for Respondent.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: Rule 56(c), SCRCP ("[Summary] judgment . . . shall be rendered  
forthwith if 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."); *Bovain v. Canal Ins.*, 383 S.C. 100, 105, 678 S.E.2d 422, 424 (2009) ("An appellate court reviews the granting of summary judgment under the same standard applied by the trial court under Rule 56(c), SCRPC."); *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991) ("Under Rule 56(c), the party seeking summary judgment has the initial responsibility of demonstrating the absence of a genuine issue of material fact."); *Singleton v. Sherer*, 377 S.C. 185, 197-98, 659 S.E.2d 196, 203 (Ct. App. 2008) ("Once the party moving for summary judgment meets the initial burden of showing an absence of evidentiary support for the opponent's case, the opponent cannot simply rest on mere allegations or denials contained in the pleadings."); *id.* at 198, 659 S.E.2d at 203 ("The nonmoving party must come forward with specific facts showing there is a genuine issue for trial."); S.C. Code Ann. § 15-3-640 (Supp. 2017) ("No actions to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property may be brought more than eight years after substantial completion of the improvement."); *Langley v. Pierce*, 313 S.C. 401, 404, 438 S.E.2d 242, 243 (1993) ("A statute of repose creates a substantive right in those protected to be free from liability after a legislatively-determined period of time." (quoting *First United Methodist Church of Hyattsville v. U.S. Gypsum Co.*, 882 F.2d 862, 866 (4th Cir. 1989))).

**AFFIRMED.**<sup>1</sup>

**HUFF, GEATHERS, and MCDONALD, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.