

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D31012
Y/ct/kmb

_____AD3d_____

Argued - February 4, 2011

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RANDALL T. ENG
SANDRA L. SGROI, JJ.

2010-00782

DECISION & ORDER

Washington Temple Church of God in Christ, Inc.,
plaintiff, v Global Properties and Associates, Inc.,
defendant third-party defendant-respondent-appellant,
et al., defendants; Ticor Title Insurance Company,
as subrogee of Henry Spitzer, third-party plaintiff-
appellant-respondent.

(Index No. 29690/05)

Hession, Bekoff, Cooper & Lo Piccolo, LLP, Garden City, N.Y. (Jonathan M. Cader
of counsel), for third-party plaintiff-appellant-respondent.

Max Markus Katz, P.C., New York, N.Y. for defendant third-party defendant-
respondent-appellant.

In an action, inter alia, for a judgment declaring that the plaintiff is the owner of
certain real property, the third-party plaintiff appeals, as limited by its brief, from so much of an order
of the Supreme Court, Kings County (Knipel, J.), entered October 7, 2009, as denied its cross motion
for summary judgment on its causes of action to rescind a certain contract and to recover damages
for unjust enrichment, and the defendant third-party defendant cross-appeals, as limited by its brief,
from so much of the same order as denied its motion for summary judgment dismissing the third-party
complaint.

ORDERED that the order is affirmed, without costs or disbursements.

Under the unusual and particular facts and circumstances of this case, the Supreme
Court properly concluded that there were issues of fact warranting denial of the motion and cross

May 17, 2011

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WASHINGTON TEMPLE CHURCH OF GOD IN CHRIST, INC.
v GLOBAL PROPERTIES AND ASSOCIATES, INC.

motion for summary judgment (*see generally Alvarez v Prospect Hospital*, 68 NY2d 320; *see also Da Silva v Musso*, 53 NY2d 543, 552; *see Bailey Ford v Bailey*, 55 AD2d 729).

MASTRO, J.P., SKELOS, ENG and SGROI, JJ., concur.

ENTER: 
Matthew G. Kiernan
Clerk of the Court