# CAPTION: HUNTINGTON V. SCHNEIDER

**12-29-23**

APPEAL NO.: C-230072

TRIAL NO.: A-2002093

KEY WORDS: CONTRACT — DEFENSES — WAIVER — DUTY — SURETY

SUMMARY:

The trial court erred in granting summary judgment in favor of plaintiff-appellee bank where the record reveals that genuine issues of material fact remain as to the defenses known to defendant-appellant surety at the time of entering into the surety agreement and as to plaintiff-appellee bank’s knowledge of adverse facts which materially increased the surety’s risk beyond that which the bank had reason to believe the surety intended to assume at the time of entering into the surety agreement.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by ZAYAS, J.; CROUSE, P.J., and BOCK, J., CONCUR.