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This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-2801-16T1

RAMONA PERALTA,

Plaintiff-Appellant,

v.

466 MONMOUTH STREET CONDOMINIUM  
ASSOCIATES,

Defendant-Respondent,

and

RUTH BONAPACE and CHARLES  
HEWITT,

Defendants.

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Submitted February 13, 2018 – Decided February 27, 2018

Before Judges Fisher and Fasciale.

On appeal from Superior Court of New Jersey,  
Law Division, Hudson County, Docket No.  
L-2032-15.

Law Office of Evelyn Padin, attorneys for  
appellant (Eliot Skolnick, on the briefs).

Methfessel & Werbel, attorneys for respondent  
(James H. Foxen and Steven A. Unterburger, on  
the brief).

PER CURIAM

Plaintiff appeals from a February 17, 2017 order granting summary judgment to defendant 466 Monmouth Street Condominium Associates. Plaintiff argues that there exists genuine issues of material fact precluding the issuance of summary judgment. We affirm substantially for the reasons expressed by the motion judge. We add the following brief remarks.

When reviewing an order granting summary judgment, we apply "the same standard governing the trial court." Oyola v. Liu, 431 N.J. Super. 493, 497 (App. Div. 2013). We owe no deference to the motion judge's conclusions on issues of law. Manalapan Realty, LP v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995). There are no genuine issues of fact and the judge followed the applicable law.

In Luczejko v. City of Hoboken, 207 N.J. 191, 211 (2011), the Court held that a residential condominium association had no duty under New Jersey negligence law to maintain a public sidewalk in front of its premises. Here, it is undisputed that the area of the trip and fall occurred on a public sidewalk in front of a residential condominium association. Pictures of the area of the fall show a repaired sidewalk.

Peter Economou, who lived at the property since around 2003 or 2004, testified that the public sidewalk abutting the premises

had been in the same condition – a patched concrete surface – for the entire time he had lived there. He added that he did not know who had patched the public sidewalk.

In the judge's extensive oral opinion, she recognized that there existed no credible evidence showing that defendant created or exacerbated the alleged defect. Although plaintiff does not allege that the predecessor property owners, who are no longer in this case, created or exacerbated the alleged defect, there is no evidence whatsoever to the contrary. Furthermore, plaintiff's liability expert offered mere speculation that the repairs to the sidewalk occurred while defendant owned the property. For these reasons, and for the extensive analysis conducted by the judge, we conclude she correctly granted the motion.

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



CLERK OF THE APPELLATE DIVISION