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APPROVAL OF THE APPELLATE DIVISION**

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-3059-22**

72-74 4TH ST HOLDINGS,
LLC,

Plaintiff-Appellant,

v.

ADISHA BROOKS and
MICHAEL GIBSON,

Defendants-Respondents.

Submitted April 16, 2024 – Decided May 16, 2024

Before Judges Rose and Smith.

On appeal from the Superior Court of New Jersey, Law
Division, Essex County, Docket No. LT-002288-23.

Ofeck & Heinze, LLP, attorneys for appellant (Patrick
J. Jordan V, on the brief).

Respondents have not filed a brief.

PER CURIAM

In this landlord-tenant action, plaintiff 72-74 4th St Holdings, LLC appeals from an April 25, 2023 order dismissing its eviction complaint against defendants Adisha Brooks and Michael Gibson. Having been advised by plaintiff's counsel, after the appeal was filed, defendants "are no longer in possession of the subject premises," we dismiss the appeal as moot. See Sudersan v. Royal, 386 N.J. Super. 246, 251 (App. Div. 2005) (holding "where a tenant no longer resides in the property, an appeal challenging the propriety of an eviction is moot" unless "the eviction carries residual legal consequences potentially adverse to [the] defendant"); see also Ctr. Ave. Realty, Inc. v. Smith, 264 N.J. Super. 344, 347 (App. Div. 1993) (recognizing where the defendant "vacated the premises . . . his right to remain in the premises as a successor tenant under the terms of the original lease and subject to removal only under the Anti-Eviction Law, N.J.S.A. 2A:18-61.1, presents a moot question that we need not decide"); Daoud v. Mohammad, 402 N.J. Super. 57, 61 (App. Div. 2008).

Based on our review of the record, we discern no residual legal consequences resulting from issuance of the April 25, 2023 order. We therefore dismiss the appeal as moot.

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



CLERK OF THE APPELLATE DIVISION