

# **Bond Case Briefs**

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## **STATUTE OF REPOSE - NEW JERSEY**

### **431 Route 206, LLC v. Township of Montague**

**Superior Court of New Jersey, Appellate Division - July 11, 2013 - A.3d - 2013 WL 3466561**

This matter involved a twenty-four-inch reinforced concrete drainage pipe (the 24-inch pipe) that an employee of defendant Township of Montague installed in the early 1970's. The property's owner alleged that the pipe's defective design and/or negligent construction caused the pipe to fail, allowing water to escape, which destroyed the septic system and damaged buildings on the property.

The Township invoked the statute of repose, the elements of which are:

- The injury sustained by plaintiff resulted from a defective and unsafe condition of an improvement to real property;
- Defendant was responsible for performing or furnishing the design, planning, surveying, supervision of construction, or construction of the improvement; and
- The injury occurred more than ten years after the performance or furnishing of the services.

The court determined that the Township had met all three elements and dismissed the case.