

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

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_____AD3d_____

Argued - June 16, 2008

REINALDO E. RIVERA, J.P.
ROBERT A. LIFSON
FRED T. SANTUCCI
HOWARD MILLER, JJ.

2007-05027

DECISION & ORDER

Jon C. Behrends, et al., respondents, v White
Acre Acquisitions, LLC, appellant.

(Index No. 6914/06)

Vergilis, Stenger, Roberts & Davis, LLP, Wappingers Falls, N.Y. (Kenneth M. Stenger of counsel), for appellant.

Corbally Gartland and Rappleyea, LLP, Poughkeepsie, N.Y. (Karen E. Hagstrom of counsel), for respondents.

In an action, inter alia, for a judgment declaring that two contracts for the sale of real property are void and unenforceable, the defendant appeals from an order of the Supreme Court, Dutchess County (Brands, J.), dated May 1, 2007, which denied its motion for summary judgment declaring that the contracts are enforceable and granted the plaintiffs' cross motion for summary judgment declaring that the contracts are void and unenforceable.

ORDERED that the appeal is dismissed, without costs or disbursements, as the order was superseded by an order of the same court dated August 2, 2007, made upon reargument (*see Behrends v White Acre Acquisitions, LLC*, _____AD3d_____ [Appellate Division Docket No. 2007-07751, decided herewith]).

RIVERA, J.P., LIFSON, SANTUCCI and MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 9, 2008

BEHRENDVS v WHITE ACRE ACQUISITIONS, LLC