

**Electronically Filed
Intermediate Court of Appeals
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No. CAAP-16-0000669

**IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII**

IN THE MATTER OF THE ESTATE

of

CARY THORNTON,

Deceased.

JAMES HALL,

Petitioner-Appellant,

v.

RANDALL YEE, Special Administrator, and
THE BANK OF AMERICA, N.A.,

Respondents-Appellees.

**On Appeal from the Circuit Court of the First Circuit
(P. No. 13-1-0360 -- The Honorable Derrick H. M. Chan, Presiding)**

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OPENING BRIEF

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No. CAAP-16-0000669

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OF THE STATE OF HAWAII**

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OPENING BRIEF

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A. STATEMENT OF THE CASE

Appellant James Hall ("James") was a neighbor of Cary Thornton ("Cary") and a close friend of Cary when Cary died on July 31, 2012.¹

Cary had been estranged from his children, Daughter Tara Shook ("Tara") and Son Jared Thornton ("Jared"), and in ill health when he apparently took his own life.²

Upon his death, the Coroner gave Tara a sealed package from Cary, which Tara opened in James' presence, which included Cary's Will and a note from Cary referencing his inclusion of James in his Will regarding Cary's Hawaii Kai home.³

Shortly after the funeral, Tara and Jared sold all of the furnishings in Cary's home on Craigslist, and also sold Cary's 2007 Cadillac Escalade (27,000 mileage) and his 2008 GMAC 2500 four wheel drive truck (8,000 mileage), plus sold his \$25,000 boat dock that had been a part of the appraised value of his home.⁴

James learned at the end of February 2013 online of a foreclosure summary judgment on Cary's home, and James tried to intervene in the foreclosure action in First Circuit Court as an interested person under Cary's Will, providing the Honorable Bert I. Ayabe with a copy of Cary's death certificate.⁵

James' motion to intervene was not granted; instead, Judge Ayabe ordered counsel in the foreclosure action to start a probate action before the foreclosure case could continue and ordered the two attorneys to include James in the probate action.⁶

¹ Record on Appeal, Vol. 1, pp. 50, 17, Vol. 2, pp. 8-9. The death certificate is supposed to have been under seal, yet nevertheless inadvertently was filed as a part of the Record on Appeal unsealed by the First Circuit Court appellate clerk.

² Record on Appeal, Vol. 1, p. 50.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

James met with the attorneys for the Bank of America and for Central Pacific Bank outside Judge Ayabe's Courtroom thereafter and each took down James' contact information and assured James that he would be served with any future actions in Probate Court, yet thereafter James never received from either of them any notices regarding any activities in either the probate or the foreclosure proceedings.⁷

On or about March 14, 2013 a friend of James, Jeison Ocampo, and James stopped at Cary's home and found his ex-wife Pauline loading stacks of Cary's clothing and other items into a van, who when questioned by James sped away.⁸

All of Cary's personal assets having been taken away by Tara and Jared and Pauline and no one protecting the house, James decided to move in with three of James' daughters to protect the house since Cary had told James he wanted James to have the house, and James subsequently invested nearly \$100,000 of his own money to maintain the property.⁹

In August 2014 upon returning home around noon James found Tara and Pauline standing at the front door hurling threats at him, and they called the police trying to have James evicted, who refused, the police telling all of them that it was a matter for the Probate Court.¹⁰

Instead, Tara filed for a TRO against James in State District Court accusing James under oath of trying to stab her with a knife with a pair of landscaping shears, which the Court dismissed as frivolous.¹¹

⁷ Record on Appeal, Vol. 1, p. 51.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

On June 4, 2013, the Bank of America petitioned the Probate Court for the appointment of a Special Administrator in P. No. 13-1-0360, nominating for the position attorney Randall Yee, which Petition specifically named James as one of the “only heir and devisees,” while erroneously leaving off of the interested persons list Cary’s two children, Tara and Jared, otherwise easily known.¹²

On July 16, 2013, the Bank of America noticed the date, time, and place of the hearing of the Petition appointing Mr. Yee as Special Administrator, and on January 22, 2014 the Honorable Derrick H. M. Chan entered a written order granting the Petition following a December 12, 2013 hearing.¹³

Thereafter, on October 9, 2014, the Bank of America moved Judge Ayabe in Civil No. 12-1-0118-01 BIA to substitute Mr. Yee as Special Administrator of Cary’s Estate for Cary in the foreclosure action, which motion was granted on November 13, 2014.¹⁴

Despite the promises to notify James of all proceedings in both the foreclosure action and any probate action, James never was notified with respect to any of the four events in Probate Court, *supra*, notwithstanding Judge Ayabe’s earlier instruction to the attorneys involved and their promises to so notify James as an interested party.¹⁵

Meanwhile, Mr. Yee as Special Administrator, whose appointment was without statutorily required notice to James or Tara or Jared, which was attempted by publication only and was intended as merely a straw administrator serving the interests

¹² Ibid. See Appendix, Exhibit “A”, Record on Appeal, Vol. 1, pp. 12-16.

¹³ Record on Appeal, Vol. 1, p. 52. See Exhibits “B” and “C”, Record on Appeal, Vol. 1, pp. 18-21.

¹⁴ Record on Appeal, Vol. 1, p. 52. See Exhibit “D”, Record on Appeal, Vol. 1, pp. 66-77. This Court may take judicial notice of the proceedings in the related foreclosure action.

¹⁵ Record on Appeal, Vol. 1, p. 52.

of the foreclosing mortgagees only, whose court papers, for instance, in the foreclosure action were all filed by the foreclosing Plaintiff's counsel.¹⁶

Mr. Yee did and has done moreover nothing to safeguard the assets of the Estate as required in the Petition for his appointment as reflected in the Court Minutes and Docket Sheets of both cases.¹⁷

Mr. Yee similarly made no effort to research the foreclosure issues in Civil No. 12-1-0118-01 BIA or to oppose summary judgment at the January 20, 2016 hearing thereof notwithstanding the suspicious nature of the alleged chain of ownership of the mortgage, not even attempting to prepare or to file any opposition papers to the foreclosure summary judgment, instead on October 15, 2015 filing a "Statement of No Position."¹⁸

None of the above facts sworn to by Mr. Hall continually were ever denied by anyone or by either Court or even once challenged below in either the foreclosure case or the probate case.

On June 2, 2016, James moved the Probate Court to remove Special Administrator Mr. Yee and to surcharge him for damages, which motion was heard on July 14, 2016.¹⁹

At the July 14, 2016 hearing,²⁰ Judge Chan denied James' motion, concluding that he was as a friend but not an interested person and refused to remove Mr. Yee, the Court completely ignoring that James had been listed as an interested person by Mr.

¹⁶ Ibid. See Exhibit "E", Record on Appeal, Vol. 1, p. 79.

¹⁷ Record on Appeal, Vol. 1, p. 52. See Exhibit "F", an earlier Ho'ohiki version appearing in the Record on Appeal, Vol. 1, p. 95. The entire foreclosure action docket sheet is set forth in Exhibit "G", an earlier version appearing in the Record on Appeal, Vol. 1, pp. 81-93.

¹⁸ Record on Appeal, Vol. 1, p. 52-52.

¹⁹ Record on Appeal, Vol. 1, pp. 43, et seq.

Yee in his Petition, but had not received notice, completely ignoring that Cary's children, clearly interested persons as a matter of law, were not listed in the Petition and did not receive notice either, completely ignoring that the assets of the Estate had been stolen, and completely ignoring that Mr. Yee was doing nothing to protect the assets of the Estate which at that point in time remained only the Hawaii Kai residence, not even attempting to protect the Estate against summary judgment while being paid by the foreclosing mortgage, clearly a conflict of interest despite being a fiduciary.

The Probate Court then entered a formal order denying Mr. Yee's removal on August 4, 2016,²¹ together with a September 9, 2016 Rule 54(b)/Rule 58 separate judgment,²² from which James appealed on October 10, 2016 (the last weekend being excluded in the calculation).²³

B. POINTS OF ERROR ON APPEAL

The lower court committed reversible error, violating state and federal procedural due process of law, by failing to remove the Special Administrator for cause, his having failed to notify and to serve all interested parties of his petition for appointment, and by nevertheless thereby allowing the Special Administrator to proceed in both the probate case and the related foreclosure case to represent the Estate, lacking both statutory authority and personal and substantive jurisdiction to proceed.

²⁰ The Official Transcript of the July 14, 2016 hearing is set forth in Exhibit "H".

²¹ Record on Appeal, Vol. 1, pp. 140-141. See Exhibit "I".

²² Record on Appeal, Vol. 1, pp. 145-146. See Exhibit "J".

²³ Record on Appeal, Vol. 1, pp. 149-158. The entire docket sheet for the probate case is set forth in Exhibit "K" for the convenience of the Court.

Rule 28 Compliance: James continually objected²⁴, whose objections were completely ignored below.²⁵

C. STANDARDS OF REVIEW

1. Questions of law are reviewed *de novo* under a right/wrong standard. Bank of Hawaii v. DeYoung, 92 Haw. 347, 351, 992 P.2d 42 (2000).

2. “The basic elements of procedural due process of law require notice and an opportunity to be heard at a meaningful time and in a meaningful manner,” subject to an abuse of discretion standard. Evans v. Takao, 74 Haw. 267, 283, 842 P.2d 255 (1992).

3. “It is well-settled that courts must determine as a threshold matter whether they have jurisdiction to decide the issues presented. Hawaii Medical Association v. Hawai’i Medical Service Association, 113 Hawaii 77, 94, 148 P.3d 1179, 1196 (2006) (citations omitted).

4. Jurisdictional requirements always remain open for *de novo* review and cannot be waived, In re Landmark Hotel & Casino, Inc., 78 B.R. 575, 582 (9th Cir. BAP 1987); Public Access Shoreline Hawai’i v. Hawai’i County Planning Commission, 79 Haw. 425, 431, 903 P.2d 1246, 1252 (1995).

D. LEGAL ARGUMENT

1. The Special Administrator Lacked Statutory Authority To Proceed

The Hawaii Legislature and Hawaii Probate Court Rules specifically require that notice must be given to all interested persons either requesting notice or as listed in

²⁴ Record on Appeal, Vol. 1, pp. 43, et seq. The Official Transcript of the July 14, 2016 hearing is set forth in Exhibit “H”, pp. 2-10, 13-18.

²⁵ Ibid, p. 18; Record on Appeal, Vol. 1, pp. 140-141. See Exhibit “I”; Vol. 1, pp. 145-146.

Petitions for Appointment as Personal Representatives or Special Administrators; HRS Section 560:1-401 and HPR 7.

Adequate notice is especially necessary when notice is attempted by publication, where this Court has always insisted upon the very strictest due diligence requirements, otherwise reversing where it has not been shown reasonable attempts were made to locate parties, Hustace v. Kapuni, 6 Haw. 241, 718 P.2d 1109 (1986), the burden of proof being on the Petitioner.

Similarly, the Supreme Court of the United States in City of New York v. New York, N.H. & H.R.R., 344 U.S. 293, 296 (1953), held that “[n]otice by publication is a poor and sometimes hopeless substitute for actual service of notice. Its justification is difficult at best.”

The Special Administrator below not only listed James as an interested person as instructed to do so by Judge Ayabe, yet completely failed to serve notice of his Petition on James, but he also completely overlooked Cary’s children, obvious heirs, Tara and Jared, none of whom therefore had any opportunity to object either.

Having listed James in the Petition for Appointment as an interested person, the Special Administrator cannot be allowed to ignore James’ declared status. Such flip-flopping runs afoul of the modern doctrine of judicial estoppel, understandably precluding a party from taking inconsistent positions regarding the same subject matter; see, e.g., Rosa v. CWJ Contractors, Ltd., 4 Haw. App. 210, 218-219, 664 P.2d 745 (1983):

[A] party will not be permitted to maintain inconsistent positions or to take a position with regard to a matter which is directly contrary to, or inconsistent with, one previously assumed by him At stake is the integrity of the judicial process. A party is estopped from playing “fast and loose” with the court or blowing “hot and cold” during the course of litigation.

Hawaii appellate courts are no strangers to such procedural due process requirements of fair notice and a fair hearing:

Bank of Hawaii v. Kunimoto, 91 Haw. 372, 388, 984 P.2d 1198 (1999) (a criticized *pro hac vice* attorney has the right to notice and a hearing);

State v. Christian, 88 Haw. 407, 424, 967 P.2d 239 (1998) (a criminal defendant must be given notice and reasonable opportunity to defend);

Korean Buddhist Dae Won Sa Temple of Hawaii v. Sullivan, 87 Haw. 217, 243, 953 P.2d 1315 (1998) (reaffirming notice and the right to be heard in height variance dispute, otherwise finding harmless error);

Kerman v. Tanaka, 75 Haw. 1, 22, 27-28, 856 P.2d 1207, *cert. denied*, 510 U.S. 1119 (1993) (administrative revocation of driver’s license upheld where notice and opportunity to be heard protected);

Evans v. Takao, 74 Haw. 267, 282-283, 842 P.2d 255 (1992) (notice and opportunity to be heard required in contempt proceedings);

Sandy Beach Defense Fund v. City Council of City and County of Honolulu, 70 Haw. 261, 378, 773 P.2d 250 (1989) (use permits require notice and opportunity to be heard, otherwise finding no due process violation);

In re Smith, 68 Haw. 466, 471, 719 P.2d 397 (1986) (Hawaiian Homes Commission writ-of-assistance lease cancellation and seizure held violation of due process of law because of lack of notice and a hearing);

Bank of Hawaii v. Horwoth, 71 Haw. 204, 216, 787 P.2d 674 (1990) (“our procedural rules do not invariably deny a defendant a hearing or relief [even] after a default is entered against him. ‘If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings or other such references as it deems necessary and proper”); and

KNG Corporation v. Kim, 107 Haw. 73, 80, 82, 110 P.3d 397, *reconsideration denied*, 107 Haw. 348, 113 P.3d 799 (2005) (notice and an opportunity to be heard are “the basic elements of procedural due process of law,” decided in the context of the imposition of a rent trust fund).

2. The Probate Court Lacked Jurisdiction To Proceed

Not only is actual notice upon all interested persons statutorily and court-rule required. It is also mandated as a matter of both state and federal constitutional law.

The Due Process Clauses of both the Hawaii State Constitution and the Constitution of the United States of America require notice and an opportunity to be heard before participatory rights such as those in probate proceedings can be ignored.

The Hawaii Supreme Court in Freitas v. Gomes, 52 Haw. 145, 152, 153, 472 P.2d 494 (1970), specifically held, for instance, that procedural due process requires

that interested persons must be reasonably apprised of the pendency of probate proceedings.

The United States Supreme Court in Mullane v. Central Hanover Bank and Trust Co., 339 U.S. 306, 313 (1950), specifically held, for instance, that notice by publication only, offends procedural due process without actual notice sent to known interested parties, the exact situation here; see also Bank of Marin v. England, 385 U.S. 99 (1966).

E. CONCLUSION

In the absence of statutory, rule, and due process notice, the Probate Court lacked both personal and subject matter jurisdiction to proceed and should be reversed.

DATED: Honolulu, Hawaii; February 27, 2017.

Respectfully submitted,



GARY VICTOR DUBIN
FREDERICK J. ARENSMEYER
Attorneys for James Hall, Appellant

STATEMENT OF RELATED CASES

Bank of America, N.A., as Trustee v. Cary Thornton, et al.
Civil No. 12-1-0118-01 (Foreclosure Action) (First Circuit Court)

A

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2013 JUN -4 AM 10:10

F. FAGAY
CLERK

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ORIGINAL

Attorney for Petitioner,
Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP FKA Countrywide
Home Loans Servicing, LP

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE ESTATE

OF

CARY THORTON

Deceased

P NO. 113-1-0360

PETITION FOR APPOINTMENT OF SPECIAL
ADMINISTRATOR; EXHIBIT A

PETITION FOR APPOINTMENT OF SPECIAL ADMINSTRATOR

PETITIONER, Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP FKA
Countrywide Home Loans Servicing, LP ("Petitioner") states:

- The appointment of a Special Administrator is sought pursuant to Hawaii Revised
Statutes ("HRS") § 560:3-614 (2)

PAID
\$ 100.00

PAID
CIVIL ADM. COST
\$50.00

PAID
SURCHARGE
\$ 50.00

RECEIVED
Estate & Probate Branch

JUN - 3 2013

NO BOUNCE CHECK IN EFFECT

2. Petitioner who has an interest in the estate as a creditor of the Decedent CARY COOMBS THORTON ("Decedent"), seeks to proceed with its security interest through the foreclosure action of the property located 559 Kumukahi Pl, Honolulu, HI 96825, TMK 1-3-9-052-026-0000 ("Property").

3. Decedent died on July 31, 2011. At the time of death, the decedent was domiciled in County of Honolulu, Hawaii. Decedent owned real property in the State of Hawaii.

4. So far as known or ascertainable with reasonable diligence by the name and address of the only heir and devisees are :

NAME	RELATIONSHIP/INTEREST
a. WAYNE E. THORTON	FATHER
b. SHIRLEY COOMBS	MOTHER
c. JAMES HALL	GRANTEE OF POWER ATTORNEY

5. Petitioner is without knowledge of any other heirs of the decedent.

6. The venue for this proceeding is in this Court because at the time of death, decedent owned real property and resided in this Circuit

7. The proceeding was commenced within the applicable limitations prescribed by Hawaii Revised Statues Section 560: 3-108.

8. The name and address of the person whose appointment as Special Administrator being sought is:

a. RANDALL M.L. YEE, ESQ at 1000 Bishop Street Suite 908 Honolulu, HI 96813

9. Nominee is a natural person eighteen years of age or above and is a resident of the Circuit Despite diligent efforts, Petitioner was unable to reach any of Decedent's heirs.

10. The Appointment of a Special Administrator is being sought to enable the Special Administrator to take any actions on behalf of the Estate concerning the subject property, by receiving service of process and representing the Estate in a mortgage foreclosure action by allowing said Special

Administrator to be substituted for the Decedent and to hold any proceeds payable to the Decedent's Estate pending Further instruction from the Court.

NWHEREFORE, Petitioner prays that:

- a. The Court set a date, time , and place of hearing;
- b. The find and determine that:
 1. The Decedent is dead;
 2. Venue is proper;
 3. The proceeding was commenced within the time limitations prescribed by

Laws of this State;

4. Decedent's domicile at death was in this respected circuit;
5. Decedent's heirs are as stated in paragraph 4 of this petition;
6. No Personal Representative has been appointed/
7. It is Necessary to protect the estate of the Decedent prior to the appointment of the Personal representative.

8. The Court appoint Randall M.L. Yee, Esq. whose address is 1000 Bishop Street Suite 908 Honolulu, Hawaii 96813 to serve as Special Administrator, without bond, and issue letter with the following limitations on power:

a. To take any action on behalf of the Estate concerning the Property, by receiving service of process and representing the Estate in a mortgage foreclosure action by allowing said Special Administrator to be substituted for the Decedent and to hold any proceeds payable to the Decedent's Estate pending further instructions from this Court.

b. To make a reasonable inquiry as to whether there are other assets of the Estate in this State.

c. The Special Administrator shall be immediately discharged upon the filing of the Distribution Statement.

d. If there should be a settlement or compromise with said Special

Administrator, it is subject to the Court's confirmation or approval, and the prior appointment of a Personal Representative by the Court.

9. The Court order that unsupervised administration be maintained; and
10. The Court order such other as may be proper.

PETITIONER UNDERSTANDS THAT THIS DOCUMENT IS DEEMED TO INCLUDE AN OATH, AFFIRMATION OR STATEMENT TO THE EFFECT THAT ITS REPRESENTATIONS ARE TRUE AS FAR AS PETITIONER KNOWS OR INFORMED, AND THAT PENALTIES FOR PERJURY MAY FOLLOW DELIBERATE FALSIFICATION.

DATED: HONOLULU, HAWAII 5/30/13

Hawaii Probate Rule 5 (b) Certification



MANMEET RANA

B

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2013 JUL 16 PM 1:27



G. YAMAMOTO
CLERK

Attorney for Petitioner,
Bank of America, N.A., Successor by Merger
to BAC Home Loans Servicing, LP FKA
Countrywide Home Loans Servicing, LP

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE ESTATE)	P. NO. 13-1-0360
)	
of)	ORDER SETTING DATE, TIME, AND
)	PLACE OF HEARING ON PETITON FOR
)	APPOINTMENT OF SPECIAL
)	ADMINISTRATOR
CARY THORTON,)	
)	
Deceased.)	Hearing Date: <u> OCT - 3 2013 </u>
)	
)	Time: <u> 9:00 a.m. </u>
)	
)	Judge: <u> DERRICK H. M. CHAN </u>
)	

**ORDER SETTING DATE, TIME, AND PLACE OF HEARING
ON PETITON FOR APPOINTMENT OF SPECIAL ADMINISTRATOR**

The Petition of Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing,
LP FKA Countrywide Home Loans Servicing, LP, for Appointment of Special Administrator having
been filed, it is hereby ORDERED:

On OCT - 3, 2013 at 9 : 15 A.M. in the courtroom of the Judge who shall be sitting in the Probate at Kaahumanu Hale, 777 Punchbowl Street Honolulu, HI 96813, is the time and place of hearing on the petition.

IT IS FURTHER ORDERED that all interested parties shall be given notice of the hearing in the manner prescribed in HRS Section 560: 1-401 to the persons enumerate in HRS Section 560:3-403 and upon payment by the demandant of the cost of producing copies to any additional person who has filed a demand for notice under HRS Section 560 3:204.

That Pursuant to Rule 10 (c) of the Hawaii Probate Rules any party wishing to object or respond to the petition shall file such objection with the Court and serve it on all interested persons within 30 days of Service of this Petition and this Order or on date of the scheduled hearing, which ever date occurs earlier.

DATED: Honolulu, Hawaii, JUL 16 2013



Clerk of the above entitled Court

In The Matter of The Estate of Cory Thorton , Deceased, P. No. 13-1-0360, Circuit Court of the First Circuit, State of Hawaii, ORDER SETTING DATE, TIME, AND PLACE OF HEARING ON PETITON FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

C

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

Of Counsel:
CLAY CHAPMAN IWAMURA PULICE & NERVELL

2014 JAN 22 AM 10:57

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L. VONC
CLERK

Attorneys for Petitioner
BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

IN THE MATTER OF THE ESTATE
OF
CARY THORNTON
Deceased,

P. NO. 13-1-0360

**ORDER GRANTING PETITION FOR
APPOINTMENT OF SPECIAL
ADMINISTRATOR**

HEARING:

Date: December 12, 2013
Time: 9:00 a.m.
Judge: Honorable Derrick H.M. Chan

**ORDER GRANTING PETITION FOR
APPOINTMENT OF SPECIAL ADMINISTRATOR**

Petitioner, BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING,
LP's ("Petitioner") PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR
("Petition") duly came on for hearing in the above-entitled Court on December 12, 2013

8500.010\535089

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit
State of Hawaii

at 9:00 a.m., the Honorable Derrick H.M. Chan presiding. David H. Graetz, Esq. appeared as special counsel for Petitioner.¹ No other appearances were made. Publication of the hearing on the Petition was made in the Honolulu Star-Advertiser on November 14, 2013, November 21, 2013, and November 28, 2013.

The Court having reviewed the documents filed herein and having considered the representations of counsel, and good basis appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

- A. The Petition is GRANTED²; and
- B. RANDALL M.L. YEE, ESQ. is appointed to serve as Special Administrator with limitations on power as requested in the Petition;

DATED: Honolulu, Hawaii, JAN 17 2014

DERRICK H.M. CHAN



JUDGE OF THE ABOVE-ENTITLED COURT

¹ On December 13, 2013, Petitioner submitted its *Withdrawal and Substitution of Counsel for Petitioner*, which provided notice of appearance of new counsel, and it was filed herein on January 2, 2014.

² The Court advised Petitioner to withdraw the death certificate that was previously filed with the *Petition*. Concurrent with the submission of this document, Petitioner has submitted its *Amendment to Petition for Appointment of Special Administrator* to effectuate the Court's request. The death certificate will be filed separately and under seal.

D

ORIGINAL


JKM

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

Of Counsel:
CLAY CHAPMAN IWAMURA PULICE & NERVELL

2014 OCT -9 PM 4: 01

STEVEN T. IWAMURA # 5237
ROBERT M. EHRHORN, JR. # 977
KEN OHARA # 8264
LORI K. STIBB # 9670
700 Bishop Street, Suite 2100
Honolulu, Hawaii 96813
Telephone No. (808) 535-8400
Facsimile: (808) 536-1141


A. MARPLE
CLERK

Attorneys for Plaintiff/Counterclaim Defendant BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING, LP

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Plaintiff,

vs.

CARY THORNTON; CENTRAL
PACIFIC BANK, A HAWAII
CORPORATION; JOHN DOES 1-20;
JANE DOES 1-20; DOE
CORPORATIONS 1-20; DOE ENTITIES
1-20; AND DOE GOVERNMENTAL
UNITS 1-20,

Defendants.

CARY THORNTON,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,

CIVIL NO. 12-1-0118-01
(Foreclosure)

PLAINTIFF'S MOTION TO
SUBSTITUTE RANDALL M. L. YEE
SPECIAL ADMINISTRATOR OF THE
ESTATE OF CARY THORNTON
FOR DEFENDANT CARY
THORNTON; MEMORANDUM IN
SUPPORT OF MOTION;
DECLARATION OF ROBERT M.
EHRHORN, JR.; EXHIBITS 1 AND 2;
NOTICE OF HEARING AND
CERTIFICATE OF SERVICE

DATE: OCT 23 2014
TIME: 9:00 am.
JUDGE: Bert Ayabe

TRIAL DATE: Not Set

2014 OCT -8 PM 4:07

FIRST JUDICIAL CIRCUIT
STATE OF HAWAII
21st DIVISION

SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Cross-Claim
Plaintiff,

vs.

CARY THORNTON,

Cross-Claim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Third-Party Plaintiff,

vs.

HAWAII KAI MARINA HOME OWNERS
ASSOCIATION, AKA HAWAII KAI
MARINA COMMUNITY ASSOCIATION;

SPINNAKER ISLE ASSOCIATION,

Third-Party
Defendants.

**PLAINTIFFS MOTION TO SUBSTITUTE RANDALL M. L. YEE SPECIAL
ADMINISTRATOR OF THE ESTATE OF CARY THORNTON
FOR DEFENDANT CARY THORNTON**

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME
LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP,
Plaintiff/Counterclaim Defendant herein, hereby moves this Court for an Motion to
Substitute Randall M. L. Yee Special Administrator of the Estate of Cary Thornton for
Defendant CARY THORNTON.

This motion is made pursuant to HRCP Rule 25(a), and is based upon the
Memorandum, Declaration of Robert M. Ehrhorn, Jr., and exhibits attached hereto, and
the files and records in this case.

OCT - 8 2014

DATED: Honolulu, Hawaii,



STEVEN T. IWAMURA
ROBERT M. EHRHORN, JR.
KEN OHARA
LORI K. STIBB
Attorneys for Plaintiff/Counterclaim Defendant

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Plaintiff,

vs.

CARY THORNTON; CENTRAL
PACIFIC BANK, A HAWAII
CORPORATION; JOHN DOES 1-20;
JANE DOES 1-20; DOE
CORPORATIONS 1-20; DOE ENTITIES
1-20; AND DOE GOVERNMENTAL
UNITS 1-20,

Defendants.

CARY THORNTON,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,

CIVIL NO. 12-1-0118-01
(Foreclosure)

MEMORANDUM IN SUPPORT OF
MOTION

SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Cross-Claim
Plaintiff,

vs.

CARY THORNTON,

Cross-Claim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Third-Party Plaintiff,

vs.

HAWAII KAI MARINA HOME OWNERS
ASSOCIATION, AKA HAWAII KAI
MARINA COMMUNITY ASSOCIATION;
SPINNAKER ISLE ASSOCIATION,

Third-Party
Defendants.

MEMORANDUM IN SUPPORT OF MOTION

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME
LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP,
Plaintiff herein, filed its Complaint for Mortgage Foreclosure herein on January 13,

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Plaintiff,

vs.

CARY THORNTON; CENTRAL
PACIFIC BANK, A HAWAII
CORPORATION; JOHN DOES 1-20;
JANE DOES 1-20; DOE
CORPORATIONS 1-20; DOE ENTITIES
1-20; AND DOE GOVERNMENTAL
UNITS 1-20,

Defendants.

CARY THORNTON,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,

CIVIL NO. 12-1-0118-01

(Foreclosure)

DECLARATION OF ROBERT M.
EHRHORN, JR.,

SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Cross-Claim
Plaintiff,

vs.

CARY THORNTON,

Cross-Claim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Third-Party Plaintiff,

vs.

HAWAII KAI MARINA HOME OWNERS
ASSOCIATION, AKA HAWAII KAI
MARINA COMMUNITY ASSOCIATION;
SPINNAKER ISLE ASSOCIATION,

Third-Party
Defendants.

DECLARATION OF ROBERT M. EHRHORN, JR.

I, ROBERT M. EHRHORN, JR., do declare under penalty of perjury that
the following is true and correct:

1. I am an attorney with Clay Chapman Iwamura Pulice & Nervell, counsel of record for Plaintiff/Counterclaim Defendant BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP, and make this Declaration upon personal knowledge based upon my representation of Movant herein and my review of the files and pleadings in this case.

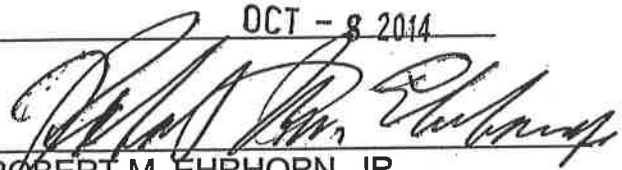
2. A true and correct copy of the Order Granting Petition for Appointment of Special Administrator filed in The Matter of Estate of Cary Thornton. P. No. 13-1-0360 is attached hereto as Exhibit 1. Attached hereto as Exhibit 2 is a true and correct copy of the Letters of Special Administrator appointing Randall M. L. Yee as Special Administrator of The Estate of Cary Thornton, P. No. 13-1-0360.

3. Pursuant to Rule 25(a), Hawaii Rules of Civil Procedure, true and correct copies of this Motion will be served upon those persons listed on the Notice of Hearing attached hereto, who are not parties to this foreclosure case, by personal service as provided for in Rule 4.

I, declare under penalty of law that the foregoing is true and correct.


DATED: Honolulu, Hawaii,

OCT - 8 2014


ROBERT M. EHRHORN, JR.
Clay Chapman Iwamura Pulice & Nervell
Attorneys for Plaintiff/Counterclaim Defendant
BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE HOME
LOANS SERVICING, LP

NOTICE IS HEREBY GIVEN that the above-identified Motion, shall come on for hearing before the Honorable Bert I. Ayabe, Judge of the above-entitled Court, in his/her courtroom in Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii, at 9:00 o'clock a.m., on OCT 23 2014, or as soon thereafter as counsel can be heard.

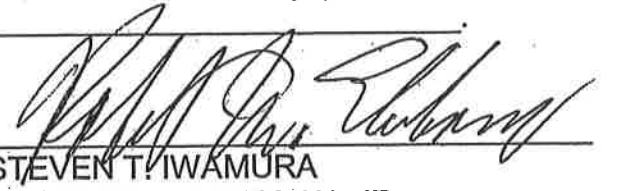
DATED: Honolulu, Hawaii, OCT - 8 2014


STEVEN T. IWAMURA
ROBERT M. EHRHORN, JR.
KEN OHARA
LORI K. STIBB
Attorneys for Plaintiff/Counterclaim Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I caused a true and correct copy of the foregoing to be duly served upon the parties shown in the foregoing Notice of Hearing, at their respective last known addresses as shown in the Notice of Hearing, by depositing same in the U.S. Mail, postage prepaid.

DATED: Honolulu, Hawaii, OCT - 8 2014


STEVEN T. IWAMURA
ROBERT M. EHRHORN, JR.
KEN OHARA
LORI K. STIBB
Attorneys for Plaintiff/Counterclaim Defendant

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Plaintiff,

vs.

CARY THORNTON; CENTRAL
PACIFIC BANK, A HAWAII
CORPORATION; JOHN DOES 1-20;
JANE DOES 1-20; DOE
CORPORATIONS 1-20; DOE ENTITIES
1-20; AND DOE GOVERNMENTAL
UNITS 1-20,

Defendants.

CARY THORNTON,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING, LP,

Counterclaim
Defendant.

CENTRAL PACIFIC BANK, A HAWAII
CORPORATION,

Counterclaimant,

vs.

BANK OF AMERICA, N.A.,

CIVIL NO. 12-1-0118-01
(Foreclosure)

NOTICE OF HEARING AND
CERTIFICATE OF SERVICE

DATE:
TIME:
JUDGE:

TRIAL DATE: Not Set

TO: RANDALL M. L. YEE, ESQ.
1000 Bishop St., Suite 908
Honolulu, HI 96813
Special Administrator of the Estate of CARY THORNTON

PATRICIA J. MCHENRY, ESQ.
Cades Schutte
1000 Bishop Street, Suite 1200
Honolulu, HI 96813
Co-Counsel for Counterclaim Defendant BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP
FKA COUNTRYWIDE HOME LOANS SERVICING, LP

RICHARD A. YANAGI, ESQ.
1136 Union Mall, #303
Honolulu, HI 96813
Attorney for Third-Party Defendant
Hawaii Kai Marina Homeowners Association

CORIANN C. TAKAMIYA, ESQ.
JILL J. TAKAYAMA
Kessner Umebayashi Bain & Matsunaga
220 S. King Street, Suite 1900
Honolulu, HI 96813
Attorneys for Defendant and Third-Party Plaintiff
CENTRAL PACIFIC BANK

SPINNAKER ISLE ASSOCIATION
c/o Associa Hawaii
737 Bishop Street
Mauka Tower, Suite 3100
Honolulu, HI 96813

E

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
P. NO. 13-1-0360
IN THE MATTER OF THE
ESTATE OF CARY
THORNTON, DECEASED

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2013 DEC -4 PM 2:07

[Signature]
L. VOIMS


STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date: NOV 29 2013 # Pages: 1

Notary Name: Patricia K. Reese First Judicial Circuit

Doc. Description: Affidavit of Publication

[Signature] NOV 29 2013
Notary Signature Date



Julie Clark being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser and MidWeek, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

Honolulu Star-Advertiser 3 times on:
11/14, 11/21, 11/28/2013

Midweek Wed. 0 times on:
 times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
Julie Clark

Subscribed to and sworn before me this 29th day
of November A.D. 2013
[Signature]
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Oct 07 2014

Ad # 0000575899

LN: _____

FIRST CIRCUIT COURT NOTICE OF DECEASED
P. NO. 13-1-0360

IN THE MATTER OF THE ESTATE OF CARY THORNTON DECEASED

FILED: Petition of BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO EBAC HOME LOANS SERVICING, LP, FKA COUNTRYWIDE HOME LOANS SERVICING, LP, Appointment of Special Administrator, regarding property within the jurisdiction of this Court and asking that RANDALL M. L. YEE, ESQ., whose address is 1000 Bishop Street, Suite 908, Honolulu, Hawaii 96813, be appointed Special Administrator for said Estate.

December 12, 2013 at 9:00 a.m. before the Honorable Derrick H. Chan, Judge in Probate of the Circuit Court of the First Circuit, at Kaahumanu Hale, 777 Punchbowl St., Honolulu HI 96813, is the appointed date, time and place for hearing said Petition and all interested persons.

Pursuant to Rule 10(c) of the Hawaii Probate Rules, any party wishing to object or respond to the Petition shall file such objection with the Court or serve it on all interested persons within 30 days of the date of this Notice.

DATED: Honolulu, Hawaii, November 12, 2013.

E. PAGAY
CLERK OF THE ABOVE ENTITLED COURT

ROBERTA CHARMAN #2679
DAVID H. GRANTZ #3634
700 Bishop Street, Suite 2400
Honolulu, Hawaii 96813
Telephone No. (808) 535-6400
Facsimile No. (808) 535-8444

Attorneys for Petitioner
(SA575899, 11/14, 11/21, 11/28/2013)



F

Seq: 76	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/07/2015 10:39
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 77	Document Title: RANDALL M L YEE, SPECIAL ADMINISTRATOR FOR THE ESTATE OF CARY THORNTON, STATEMENT OF NO POSITION ON PLTF'S MTN FOR SUMMARY JUDGMENT & DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 1/13/12; C/S
Doc Type: ST	Date/Time: 10/15/2015 12:53
Filing Party: YEE, RANDALL M L	
Volume Number:	Case Folder Pg:
Comments: COMPLAINT FILED 1/13/12; C/S	
Seq: 78	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/27/2015 09:57
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 79	Document Title: INTERESTED PARTY JAMES HALL'S MOTION 1) TO SET ASIDE THIS COURT'S 11/13/2015 ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE RANDALL ML YEE SPECIAL ADMINISTRATOR ET AL; 2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO AND 3) TO DISCHARGE RANDALL ML YEE ET AL BASED ON JURISDICTIONAL GROUNDS AND FRAUD AND COLLUSION; DEC/J HALL; EXHS 1-7; N/H; C/S
Doc Type: M	Date/Time: 01/20/2016 08:04
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments: PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO AND 3) TO DISCHARGE RANDALL ML YEE ET AL BASED ON JURISDICTIONAL GROUNDS AND FRAUD AND COLLUSION; DEC/J HALL; EXHS 1-7; N/H; C/S	
Seq: 80	Document Title: PLTF'S MEMORANDUM IN OPPOSITION TO INTERESTED PARTY JAMES HALL'S MOTION (1) TO SET ASIDE THIS COURT'S 11/13/15 ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE RANDALL M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF GARY THORNTON FOR DEFT CARY THORNTON, (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, AND (3) TO DISCHARGE RANDALL M L YEE SPECIAL; ETC
Doc Type: MIO	Date/Time: 02/18/2016 14:24
Filing Party: EHRHORN JR, ROBERT M	
Volume Number:	Case Folder Pg:
Comments: ADMINISTRATOR OF THE ESTATE OF GARY THORNTON FOR DEFT CARY THORNTON, (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, AND (3) TO DISCHARGE RANDALL M L YEE SPECIAL; ETC	
Seq: 81	Document Title: NOTICE OF VOLUNTARY WITHDRAWAL W/O PREJUDICE OF INTERESTED PARTY JAMES HALL'S MOTION (1) TO SET ASIDE THIS COURT'S 11/13/15 "ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE R Y L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF C THORNTON," (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, & (3) TO DISCHARGE R M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF ETC
Doc Type: NOT	Date/Time: 02/29/2016 11:29
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments: ADMINISTRATOR OF THE ESTATE OF C THORNTON," (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, & (3) TO DISCHARGE R M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF ETC	

G

Non-Criminal Case Information

Case ID: 1CC121000118	Case Title: BANK OF AMERICA N A VS CARY THORNTON ETAL	
Initiation Type: P	Initiation Date: 01/13/2012	Initiator I.D.: A8711
Confidential Code: N	Division: 1C21	Court: C
Cause of Action: FORECLOSURE		Nature of Action: 02501
Consolidation Code:	Trial Type:	Trial Judge:
Section Code:	Court Costs: 0	Lower Court Case:
Case Disposition:	Case Termination:	Case Term. Date:
Orig. Agency:	Taxation Dist:	Tax Appeal Source:
Gen. Ex. Tax Amt.: 0.00	Gen. Ex. Tax No.:	Tax Key:
Property Location:		
Comments:		

Party List

Seq: 1 Name: BANK OF AMERICA N A			
Attorney Seq: 1	Attorney Name: RANA, MANMEET		
Attorney I.D.: A8711	Type: PV	Status: R	
Attorney Seq: 2	Attorney Name: CHAPMAN, ROBERT E		
Attorney I.D.: A2679	Type: PV	Status: A	
Attorney Seq: 3	Attorney Name: MARUSHIGE, MELISSA TOSHIKO		
Attorney I.D.: A9889	Type: PV	Status: A	
Party Type: PL	Open Date: 01/17/2012		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments:			
Seq: 2 Name: THORNTON, CARY			
Attorney Seq: 1	Attorney Name: PRO SE		
Attorney I.D.: APS	Type: PS	Status: A	
Party Type: DF	Open Date: 01/17/2012		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments: 11/13/14-RANDALL YEE SUB'D AS SPEC ADMIN OF			
Seq: 3 Name: CENTRAL PACIFIC BANK			
Attorney Seq: 1	Attorney Name: TAKAMIYA, CORI ANN CHIEKO		
Attorney I.D.: A6534	Type: PV	Status: R	
Attorney Seq: 2	Attorney Name: TAKAYAMA, JILL JULIE REIKO		
Attorney I.D.: A8353	Type: PV	Status: R	
Attorney Seq: 3	Attorney Name: NAKASHIMA, DAVID ALAN		
Attorney I.D.: A2064	Type: PV	Status: A	
Party Type: DF	Open Date: 01/17/2012		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments:			
Seq: 4 Name: HAWAII-KAI MARINA HOME OWNERS ASSN			
Party Type: 3D	Open Date: 04/25/2012		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments: AKA HAWAII KAI MARINA COMMUNITY ASSN			
Seq: 5 Name: HAWAII KAI MARINA COMM ASSN			
Party Type: 3D	Open Date: 05/02/2012		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments: AKA HAWAII-KAI MARINA HOME OWNERS ASSN			
Seq: 6 Name: SPINNAKER ISLE ASSOCIATION			
Party Type: 3D	Open Date: 05/02/2012		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments:			

Seq: 7		Name: TMLF HAWAII, LLLP	
Party Type: CD	Open Date: 05/21/2012	Amt. Awarded:	
Amt. Prayed For:	Attorney's Fee:	Sheriff's Fee:	
Attorney Commission:	Interest:	Mileage Fee:	
Notary Fee:	Court Costs:		
Comments:			
Seq: 8		Name: YEE, RANDALL M L	
Party Type: DF	Open Date: 11/13/2014	Amt. Awarded:	
Amt. Prayed For:	Attorney's Fee:	Sheriff's Fee:	
Attorney Commission:	Interest:	Mileage Fee:	
Notary Fee:	Court Costs:		
Comments:	SUB AS SPECIAL ADMIN OF EST OF CARY THORNTON		

Document List

Seq: 1	Document Title: CIVIL INFORMATION SHEET
Doc Type: CIS	Date/Time: 01/13/2012 14:30
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 2	Document Title: COMPLAINT FOR MORTGAGE FORECLOSURE; EXHS A, 1-3; SUMMONS (CASE ASSIGNED TO JUDGE AYABE)
Doc Type: CMP	Date/Time: 01/13/2012 14:30
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 3	Document Title: NOTICE OF PENDENCY; EXH A
Doc Type:	Date/Time: 01/13/2012 14:32
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 4	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMPLAINT FOR MORTGAGE FORECLOSURE ETC ON CARY THORNTON ON 3/19/12)
Doc Type: RAS	Date/Time: 03/20/2012 14:48
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 5	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMPLAINT, ETC ON CENTRAL PACIFIC BANK THROUGH LORI YASUMURA ON 3/20/12)
Doc Type:	Date/Time: 03/21/2012 15:06
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 6	Document Title: NOTICE OF PAYMENT OF FEES (\$200) (PD 04/09/12)
Doc Type: NPF	Date/Time: 04/09/2012 15:22
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 7	Document Title: DEFT CARY THORNTON'S ANSWER TO COMPLAINT FOR MORTGAGE FORECLOSURE; COUNTERCLAIM; EXHS A-E; DEMAND FOR JURY TRIAL; C/S
Doc Type:	Date/Time: 04/09/2012 15:22
Filing Party: PRO SE	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 8	Document Title: DEFENDANT CARY THORNTON'S COUNTERCLAIM; ACKNOWLEDGMENT; DEMAND FOR JURY TRIAL; C/S
Doc Type:	Date/Time: 04/13/2012 12:33
Filing Party: PRO SE	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 9	Document Title: ADDITIONAL CLAIMS INFORMATION SHEET
Doc Type: ACIS	Date/Time: 04/25/2012 15:46
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 10	Document Title: DEFT CENTRAL PACIFICA BANK'S ANSWER TO PLTF'S COMPLAINT FOR MORTGAGE FORCLOSURE FILED ON 1/13/12; DEFT CENTRAL PACIFICA BANK'S COUNTERCLAIM AGAINST PLTF BANK OF AMERICA, N A SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP; DEFT CENTRAL PACIFIC BANK'S CROSS-CLAIM AGAINST ALL DEFTS; DEFT CENTRAL PACIFIC BANK'S THIRD PARTY COMPLAINT
Doc Type:	Date/Time: 04/25/2012 15:48
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP; DEFT CENTRAL PACIFIC BANK'S CROSS-CLAIM AGAINST ALL DEFTS; DEFT CENTRAL PACIFIC BANK'S THIRD PARTY COMPLAINT	
Seq: 11	Document Title: AGAINST THIRD-PARTY DEFTS HAWAII-KAI MARINA HOME OWNERS ASSOCIATION, AKA HAWAII KAI MARINA COMMUNITY ASSOCIATION, AND SPINNAKER ISLE ASSOCIATION; EXHIBITS A-B; SUMMONS; C/S
Doc Type:	Date/Time: 04/25/2012 15:48
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg: *
Comments:	
Seq: 12	Document Title: NOTICE OF PENDENCY OF ACTION; AFFIDAVIT OF CYNTHIA MONTE; EXHIBIT "A"
Doc Type:	Date/Time: 05/02/2012 16:06
Filing Party: TAKAYAMA, JILL JULIE REIKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 13	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD DEFT CENTRAL PACIFIC BANK'S THIRD PARTY COMPLAINT AGAINST SPINNAKER ISLE ASSOCIATION ON 5/2/12)
Doc Type:	Date/Time: 05/04/2012 10:30
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 14	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD DEFT CENTRAL PACIFIC BANK'S THIRD PARTY COMPLAINT AGAINST THIRD PARTY DEFT HAWAII-KAI MARINA HOME OWNERS ASSOCIATION, ALSO KNOWN AS HAWAII KAI MARINA COMMUNITY ASSOCIATION ON 5/2/12)
Doc Type:	Date/Time: 05/04/2012 10:30
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: HAWAII KAI MARINA COMMUNITY ASSOCIATION ON 5/2/12)	
Seq: 15	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE
Doc Type: RAS	Date/Time: 05/07/2012 11:41
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 16	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 05/09/2012 12:33
Filing Party: PRO SE	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 17	Document Title: PLTF'S BANK OF AMERICA, N A, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP'S ANSWER TO DEFT;S CARY THORNTON FILED 1/13/12
Doc Type: Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 05/10/2012 13:18 Case Folder Pg:
Seq: 18	Document Title: (DENIED) DEFT CARY THORNTON'S REQUEST FOR CLERK'S ENTRY OF DEFAULT FOR PLTF'S FAILURE TO TIMELY ANSWER COUNTERCLAIM; EXH A; CLERKS ENTRY OF DEFAULT; C/S
Doc Type: Filing Party: PRO SE Volume Number: Comments:	Date/Time: 05/11/2012 09:17 Case Folder Pg:
Seq: 19	Document Title: PROOF OF SERVICE FOR ANSWER, COUNTERCLAIM, ACKNOWLEDGEMENT, AND DEMAND FOR JURY TRIAL (SRVD COUNTERCLAIM ON TMLF HAWAII LLLP ON 4/12/12)
Doc Type: Filing Party: PRO SE Volume Number: Comments:	Date/Time: 05/14/2012 11:48 Case Folder Pg:
Seq: 20	Document Title: DEFENDANT CARY THORNTORN'S ANSWER TO DEFENDANT CENTRAL PACIFIC BANK'S THIRD PARTY COMPLAINT AND CROSSCLAIM FOR MORTGAGE FORECLOSURE; C/S
Doc Type: Filing Party: OTHER Volume Number: Comments:	Date/Time: 05/25/2012 14:48 Case Folder Pg:
Seq: 21	Document Title: DEFT CENTRAL PACIFIC BANK'S RESPONSE TO DEFT CARY THORNTON'S ANSWER TO DEFT CENTRAL PACIFIC BANK'S THIRD PARTY COMPLAINT AND CROSSCLAIM FOR MORTGAGE FORECLOSURE FILED ON MAY 25, 2012; C/S
Doc Type: Filing Party: JOHNSON, DAVID CARL Volume Number: Comments: MAY 25, 2012; C/S	Date/Time: 07/17/2012 10:39 Case Folder Pg:
Seq: 22	Document Title: PLAINTIFF'S PRETRIAL STATEMENT; C/S
Doc Type: PTS Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 07/27/2012 14:09 Case Folder Pg:
Seq: 23	Document Title: DEFT CENTRAL PACIFIC BANK'S REQUEST FOR ENTRY OF DEFAULT BY CLERK AGAINST 3RD PARTY DEFT HAWAII-KAIMARINA HOME OWNERS ASSN, AKA HAWAII KAI MARINA COMMUNITY ASSN; DECLAR OF JILL J TAKAYAMA; EXH A; ENTRY OF DEFAULT BY CLERK AGAINST 3RD PARTY DEFT HAWAII-KAI MARINA HOME OWNERS ASSN, AKA HAWAII KAIMARINA COMMUNITY ASSN
Doc Type: Filing Party: TAKAMIYA, CORI ANN CHIEKO Volume Number: Comments: ENTRY OF DEFAULT BY CLERK AGAINST 3RD PARTY DEFT HAWAII-KAI MARINA HOME OWNERS ASSN, AKA HAWAII KAIMARINA COMMUNITY ASSN	Date/Time: 08/03/2012 09:36 Case Folder Pg:

Seq: 24	Document Title: DEFT CENTRAL PACIFIC BANK'S REQUEST FOR ENTRY OF DEFAULT BY CLERK AGAINST 3RD PARTY DEFT SPINNAKER ISLE ASSN; DECLAR OF JILL J TAKAYAMA; EXH A; ENTRYOF DEFAULT BY CLERK AGAINST 3RD PARTY DEFT SPINNAKER ISLE ASSN
Doc Type:	Date/Time: 08/03/2012 09:37
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: SPINNAKER ISLE ASSN	
Seq: 25	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 08/14/2012 13:42
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 26	Document Title: (RECD) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FIRST EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF JILL J TAKAYAMA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FRIST EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT
Doc Type:	Date/Time: 09/25/2012 15:43
Filing Party: TAKAYAMA, JILL JULIE REIKO	
Volume Number:	Case Folder Pg:
Comments: CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FRIST EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT	
Seq: 27	Document Title: DEFENDANT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FIRST EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF JILL J TAKAYAMA; ORDER GRANTING DEFENDANT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FIRST EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT
Doc Type:	Date/Time: 09/27/2012 15:34
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: PACIFIC BANK'S EX PARTE MOTION FOR FIRST EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT	
Seq: 28	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 09/28/2012 15:46
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 29	Document Title: DEFT HAWAII KAI MARINA COMMUNITY ASSN'S ANSWER TO COMPLAINT TO FORECLOSE MORTGAGE FILED 04/13/12; & C/S
Doc Type:	Date/Time: 10/02/2012 15:17
Filing Party: YANAGI, RICHARD A	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 30	Document Title: STIPULATION TO SET ASIDE DEFAULT AGAINST THIRD-PTYDEFT HAWAII-KAI MARINA HOMEOWNERS ASSN AKA HAWAII KAI MARINA HOMEOWNERS ASSOCIATION; ORDER
Doc Type:	Date/Time: 10/10/2012 12:48
Filing Party: YANAGI, RICHARD A	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 31	Document Title: THIRD-PARTY DEFT HAWAII KAI MARINA COMMUNITY ASSN'S ANSWER TO THIRD-PARTY COMPLAINT OF CENTRAL PACIFIC BANK
Doc Type:	Date/Time: 10/23/2012 15:20
Filing Party: YANAGI, RICHARD A	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 32	Document Title: HRS 667-0 AND P AFFIRMATION; STATEMENT OF REVIEW; CERTIFICATE OF SERVICE
Doc Type:	Date/Time: 01/28/2013 13:25
Filing Party: RANA, MANMEET	
Volume Number: 2	Case Folder Pg:
Comments:	
Seq: 33	Document Title: PLAINTIFF BANK OF AMERICA, NA SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP MOTION FOR SUMMARY JUDGMENT FOR FORECLOSURE AGAINST ALL DEFENDANTS AND FOR INTERLOCUTORY DECREE OF FORECLOSURE; MEMORANDUM IN SUPPORT OF MOTION; EXHIBIT A; DECLARATION OF INDEBTEDNESS; EXHIBITS "1"-5"; DECLARATION OF MANMEET RANA; EXHIBITS 6-7
Doc Type:	Date/Time: 01/28/2013 13:29
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments: ALL DEFENDANTS AND FOR INTERLOCUTORY DECREE OF FORECLOSURE; MEMORANDUM IN SUPPORT OF MOTION; EXHIBIT A; DECLARATION OF INDEBTEDNESS; EXHIBITS "1"-5"; DECLARATION OF MANMEET RANA; EXHIBITS 6-7	
Seq: 34	Document Title: NOTICE OF HEARING; C/S
Doc Type:	Date/Time: 01/28/2013 13:29
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg: *
Comments:	
Seq: 35	Document Title: EMERGENCY MOTION FOR LEAVE TO INTERVENE ON BEHALF OF DEFENDANT CARY THORNTON NOW DECEASED; CONFIDENTIAL DEATH CERTIFICATE; EXHIBITS A-C; C/S
Doc Type:	Date/Time: 02/26/2013 13:13
Filing Party: OTHER	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 36	Document Title: (RECEIVED) DEFENDANT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF JILL J TAKAYAMA; ORDER GRANTING DEFENDANT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT
Doc Type:	Date/Time: 03/25/2013 10:46
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT	

Seq: 37	Document Title: DEFT CENTRAL PACIFIC BK'S EX PARTE MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF JILL J TAKAYAMA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT
Doc Type:	Date/Time: 03/28/2013 11:08
Filing Party: TAKAYAMA, JILL JULIE REIKO	
Volume Number:	Case Folder Pg:
Comments: BANK'S EX PARTE MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT	
Seq: 38	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 04/02/2013 13:37
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 39	Document Title: WITHDRAWAL & SUBSTITUTION OF COUNSEL FOR PLTF BANKOF AMERICA, NA, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP & ORDER; C/S
Doc Type:	Date/Time: 08/12/2013 11:22
Filing Party: CHAPMAN, ROBERT E	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 40	Document Title: PLTF'S ANSWER TO DEFT CENTRAL PACIFIC BANK'S COUNTERCLAIM AGAINST PLTF BANK OF AMERICA, NA, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP FILED APRIL 15, 2012; C/S
Doc Type:	Date/Time: 08/19/2013 13:46
Filing Party: MARUSHIGE, MELISSA TOSHIKO	
Volume Number:	Case Folder Pg:
Comments: SERVICING, LP FILED APRIL 15, 2012; C/S	
Seq: 41	Document Title: (RECEIVED) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR THIRD EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF CORI ANN C TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR THIRD EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT
Doc Type:	Date/Time: 09/25/2013 13:42
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: PACIFIC BANK'S EX PARTE MOTION FOR THIRD EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT	
Seq: 42	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MTN FOR 3RD EXTENS OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLAR OF CORI ANN C TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MTN FOR 3RD EXTENS OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT
Doc Type:	Date/Time: 09/26/2013 15:34
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: MTN FOR 3RD EXTENS OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT	
Seq: 43	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 09/27/2013 15:41
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 44	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type: ACS	Date/Time: 10/01/2013 15:37
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 45	Document Title: (RECD) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FOURTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF JILL J TAKAYAMA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FOURTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S
Doc Type:	Date/Time: 03/25/2014 13:41
Filing Party: TAKAYAMA, JILL JULIE REIKO	
Volume Number:	Case Folder Pg:
Comments: CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FOURTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S	
Seq: 46	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FOURTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF JILL J TAKAYAMA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FOURTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S
Doc Type: EPTS	Date/Time: 03/28/2014 13:56
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: PACIFIC BANK'S EX PARTE MOTION FOR FOURTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S	
Seq: 47	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type:	Date/Time: 04/02/2014 10:37
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 48	Document Title: COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS; MEMO IN SUPPORT OF MOTION; DEC/P J MCHENRY; EXHS A-B; NOTICE OF HEARING ON MOTION AND C/S
Doc Type: M	Date/Time: 09/15/2014 14:57
Filing Party: MCHENRY, PATRICIA JANE	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 49	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type: ACS	Date/Time: 09/18/2014 15:38
Filing Party: MCHENRY, PATRICIA JANE	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 50	Document Title: (RECEIVED) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FIFTH EXTENSION OF TIME TO FILE RESPONSIVE PRE-TRIAL STATEMENT; DEC/CORI ANN C TAKAMIYA; ORDER, ETC; C/S
Doc Type: EPTS	Date/Time: 09/25/2014 13:48
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 51	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR FIFTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DEC/C A C TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION; C/S
Doc Type: EPTS	Date/Time: 10/01/2014 08:41
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: MOTION; C/S	
Seq: 52	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type: ACS	Date/Time: 10/02/2014 13:35
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 53	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/07/2014 14:46
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 54	Document Title: STIPULATION FOR CONTINUANCE OF HEARING ON COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS FILED 09/15/2014; ORDER
Doc Type: STIPC	Date/Time: 10/08/2014 16:02
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 55	Document Title: PLTF'S EX PARTE MOTION TO SHORTEN TIME FOR HEARING ON PLTF'S MOTION TO SUBSTITUTE RANDALL ML YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF CARY THORNTON FOR DEFT CARY THORNTON; DEC/R M EHRHORN JR; ORDER GRANTING PLTF'S EX PARTE MOTION; C/S
Doc Type: EP	Date/Time: 10/09/2014 16:01
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments: JR; ORDER GRANTING PLTF'S EX PARTE MOTION; C/S	
Seq: 56	Document Title: PLTF'S MOTION TO SUBSTITUTE RANDALL M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF CARY THORNTON FOR DEFT CARY THORNTON; MEMO IN SUPPORT OF MOTION; DEC/R M EHRHORN JR; EXHS 1-2; NOTICE OF HEARING AND C/S
Doc Type: M	Date/Time: 10/09/2014 16:01
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments: HEARING AND C/S	
Seq: 57	Document Title: ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE RANDALL M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF CARY THORNTON FOR DEFT CARY THORNTON
Doc Type: O	Date/Time: 11/13/2014 15:44
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 58	Document Title: ORDER GRANTING COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS FILED 09/15/2014
Doc Type: O	Date/Time: 12/30/2014 11:18
Filing Party: MCHENRY, PATRICIA JANE	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 59	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR 6TH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DECLARATION OF CORI ANN C TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR 6TH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S
Doc Type: EPM	Date/Time: 03/25/2015 12:03
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number: 3	Case Folder Pg:
Comments: PARTE MOTION FOR 6TH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S	
Seq: 60	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 03/27/2015 13:56
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 61	Document Title: PLTF'S NON-HEARING MOTION TO IDENTIFY HAWAII KAI MARINA COMMUNITY ASSN AND SPINNAKER ISLE ASSN AS DOE ENTITIES 1 AND 2, RESPECTIVELY; DECLARATION OF ROBERT M EHRHORN JR; NOTICE OF NON-HEARING MOTION AND C/S
Doc Type:	Date/Time: 04/14/2015 15:31
Filing Party: EHRHORN JR, ROBERT M	
Volume Number:	Case Folder Pg:
Comments: NON-HEARING MOTION AND C/S	
Seq: 62	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 04/23/2015 09:10
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 63	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 04/23/2015 11:58
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 64	Document Title: ORDER GRANTING PLTF'S NON-HEARING MOTION TO IDENTIFY HAWAII KAI MARINA COMMUNITY ASSOCIATION AND SPINNAKER ISLE ASSOCIATION AS DOE ENTITIES 1 AND 2 RESPECTIVELY
Doc Type: O	Date/Time: 06/26/2015 09:23
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 65	Document Title: AMENDED SUMMONS
Doc Type: SUMM	Date/Time: 07/15/2015 16:04
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 66	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 07/28/2015 13:26
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 67	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 07/28/2015 13:28
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 68	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMPLAINT, ETC ON HAWAII KAI MARINA COMMUNITY ASSOCIATION ON 08/06/2015)
Doc Type: RAS	Date/Time: 08/11/2015 10:15
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 69	Document Title: RETURN AND ACKNOWLEDGMENT OF SERVICE (SRVD COMPLAINT, ETC ON SPINNAKER ISLE ASSOCIATION ON 08/06/2015)
Doc Type: RAS	Date/Time: 08/11/2015 10:15
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 70	Document Title: PLTF'S REQUEST FOR ENTRY OF DEFAULT AGAINST DEFTS HI KAI MARINA COMMUNITY ASSN & SPINNAKER ISLE ASSN; DEC/R M EHRHORN, JR; EXHS 1-2; ENTRY OF DEFAULT AGAINST DEFTS HI KAI MARINA COMMUNITY ASSN & SPINNAKER ISLE ASSN
Doc Type: RED	Date/Time: 09/08/2015 11:32
Filing Party: EHRHORN JR, ROBERT M	
Volume Number:	Case Folder Pg:
Comments: ASSN & SPINNAKER ISLE ASSN	
Seq: 71	Document Title: (RECEIVED) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR 7TH EXTENS OF TIME TO FILE RESPONSIVE PTS; DEC/C A C TAKAMIYA; ORDER; ETC; C/S
Doc Type: EPM	Date/Time: 09/23/2015 15:40
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 72	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR SEVENTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DEC/CA C TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION ETC; C/S
Doc Type: EPTS	Date/Time: 09/25/2015 15:48
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments: MOTION ETC; C/S	
Seq: 73	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type: ACS	Date/Time: 09/29/2015 15:34
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 74	Document Title: PLTF'S MOTION FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 01/13/2012; MEMO/SUPP; DEC/INDEBTEDNESS; DEC/ROBERT M EHRHORN, JR; HRS 667-17 AFFIRMATION; EXHIBITS 1-11; NOTICE OF HEARING AND C/S
Doc Type: MSJ	Date/Time: 10/01/2015 14:23
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments: EXHIBITS 1-11; NOTICE OF HEARING AND C/S	
Seq: 75	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/05/2015 09:48
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 76	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/07/2015 10:39
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 77	Document Title: RANDALL M L YEE, SPECIAL ADMINISTRATOR FOR THE ESTATE OF CARY THORNTON, STATEMENT OF NO POSITION ON PLTF'S MTN FOR SUMMARY JUDGMENT & DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 1/13/12; C/S
Doc Type: ST	Date/Time: 10/15/2015 12:53
Filing Party: YEE, RANDALL M L	
Volume Number:	Case Folder Pg:
Comments: COMPLAINT FILED 1/13/12; C/S	
Seq: 78	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/27/2015 09:57
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 79	Document Title: INTERESTED PARTY JAMES HALL'S MOTION 1) TO SET ASIDE THIS COURT'S 11/13/2015 ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE RANDALL ML YEE SPECIAL ADMINISTRATOR ET AL; 2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO AND 3) TO DISCHARGE RANDALL ML YEE ET AL BASED ON JURISDICTIONAL GROUNDS AND FRAUD AND COLLUSION; DEC/J HALL; EXHS 1-7; N/H; C/S
Doc Type: M	Date/Time: 01/20/2016 08:04
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments: PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO AND 3) TO DISCHARGE RANDALL ML YEE ET AL BASED ON JURISDICTIONAL GROUNDS AND FRAUD AND COLLUSION; DEC/J HALL; EXHS 1-7; N/H; C/S	
Seq: 80	Document Title: PLTF'S MEMORANDUM IN OPPOSITION TO INTERESTED PARTY JAMES HALL'S MOTION (1) TO SET ASIDE THIS COURT'S 11/13/15 ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE RANDALL M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF GARY THORNTON FOR DEFT CARY THORNTON, (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, AND (3) TO DISCHARGE RANDALL M L YEE SPECIAL; ETC
Doc Type: MIO	Date/Time: 02/18/2016 14:24
Filing Party: EHRHORN JR, ROBERT M	
Volume Number:	Case Folder Pg:
Comments: ADMINISTRATOR OF THE ESTATE OF GARY THORNTON FOR DEFT CARY THORNTON, (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, AND (3) TO DISCHARGE RANDALL M L YEE SPECIAL; ETC	
Seq: 81	Document Title: NOTICE OF VOLUNTARY WITHDRAWAL W/O PREJUDICE OF INTERESTED PARTY JAMES HALL'S MOTION (1) TO SET ASIDE THIS COURT'S 11/13/15 "ORDER GRANTING PLTF'S MOTION TO SUBSTITUTE R Y L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF C THORNTON," (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, & (3) TO DISCHARGE R M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF ETC
Doc Type: NOT	Date/Time: 02/29/2016 11:29
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments: ADMINISTRATOR OF THE ESTATE OF C THORNTON," (2) TO SET ASIDE ALL PROCEEDINGS IN THIS ACTION SUBSEQUENT THERETO, & (3) TO DISCHARGE R M L YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF ETC	

Seq: 82	Document Title: AMENDED NOTICE OF HEARING; C/S
Doc Type: ANH	Date/Time: 03/14/2016 11:33
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 83	Document Title: NOTICE OF WITHDRAWAL OF PLTF BANK OF AMERICA NA, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP MOTION FOR SUMMARY JUDGMENT FOR FORECLOSURE AGAINST ALL DEFTS AND FOR INTERLOCUTORY DECREE OF FORECLOSURE FILED 01/28/2013; C/S
Doc Type: NWDL	Date/Time: 03/14/2016 14:45
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments: DEFTS AND FOR INTERLOCUTORY DECREE OF FORECLOSURE FILED 01/28/2013; C/S	
Seq: 84	Document Title: (RECEIVED) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR EIGHTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DEC/C A C TAKAMIYA; ORDER; C/S
Doc Type: EPTS	Date/Time: 03/22/2016 16:07
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 85	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR EIGHTH EXTENSION OF TIME TO FILE PRETRIAL STATEMENT; DEC/C A C TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION; C/S
Doc Type: EPTS	Date/Time: 03/24/2016 10:17
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 86	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type: ACS	Date/Time: 04/08/2016 11:21
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 87	Document Title: INTERESTED PARTY JAMES HALL'S REQUEST FOR JUDICIAL NOTICE AT THE JUNE 1, 2016 HEARING; EXHIBIT A; C/S
Doc Type:	Date/Time: 05/31/2016 15:35
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 88	Document Title: PLTF'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLTF'S MOTION FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 01/13/2012 FILED 10/01/2015; DEC/W D LANCE; EXH 1; C/S
Doc Type: MEMO	Date/Time: 06/27/2016 15:47
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments: C/S	
Seq: 89	Document Title: AMENDED NOTICE OF HEARING; C/S
Doc Type: ANH	Date/Time: 08/11/2016 13:42
Filing Party: EHRHORN JR, ROBERT M	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 90	Document Title: (RECEIVED) DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR 9TH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DEC/C A C TAKAMIYA; ORDER ETC; C/S
Doc Type: EPM	Date/Time: 09/22/2016 15:52
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 91	Document Title: DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR NINTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; DEC/ C AN TAKAMIYA; ORDER GRANTING DEFT CENTRAL PACIFIC BANK'S EX PARTE MOTION FOR NINTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S
Doc Type:	Date/Time: 09/23/2016 12:03
Filing Party: TAKAYAMA, JILL JULIE REIKO	
Volume Number:	Case Folder Pg:
Comments: EX PARTE MOTION FOR NINTH EXTENSION OF TIME TO FILE RESPONSIVE PRETRIAL STATEMENT; C/S	
Seq: 92	Document Title: AMENDED CERTIFICATE OF SERVICE
Doc Type: ACS	Date/Time: 09/27/2016 13:41
Filing Party: TAKAMIYA, CORI ANN CHIEKO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 93	Document Title: AFFIDAVIT OF NON MILITARY STATUS; EXH 1; C/S
Doc Type: AFF	Date/Time: 12/23/2016 13:54
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 94	Document Title: REASSIGNMENT OF CASE TO THE HONORABLE JEANNETTE H CASTAGNETTI
Doc Type: REAS	Date/Time: 01/05/2017 12:50
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 95	Document Title: WITHDRAWAL AND SUBSTITUTION OF COUNSEL FOR DEFT CENTRAL PACIFIC BANK; ORDER
Doc Type: WSUB	Date/Time: 02/08/2017 12:01
Filing Party: LAI, JONATHAN WAI YUN	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 96	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 02/09/2017 10:54
Filing Party: NAKASHIMA, DAVID Y	
Volume Number:	Case Folder Pg:
Comments:	

Court Minutes List

Seq: 1	App Desc:	ASSIGNED CIVIL CALENDAR		
App Type: ACC	Loc: 1C21	Type: AC		
Date/Time: 01/13/2012	Phase:	App Disp:		
CTRM:	Cal Type: AC	Priority: 0		
Judge I.D.: JBAYABE	Video No.:	Audio No.:		
Minutes:				
Seq: 2	App Desc:	PLTF BANK OF AMERICA, N.A. ETC.'S MOTION FOR SUMMARY JUDGMENT FOR FORECLOSURE AGAINST ALL DEFTSAND FOR INTERLOCUTORY DECREE (M RANA)		
App Type: MSJ	Loc: 1C21	Type: CM		
Date/Time: 02/27/2013 09:00	Phase:	App Disp: WDW		
CTRM:	Cal Type: CM	Priority: 24		
Judge I.D.: JBAYABE	Video No.:	Audio No.:		
Minutes: *****COURT REPORTER JAMIE MIYASATO***** (09:33:19-09:38:58 A.M.) CT CLK: K. MORIYAMA APPEARANCES: MANMEET RANA F/BANK OF AMERICA N A JILL TAKAYAMA F/CENTRAL PACIFIC BANK JAMES HALL, SPECIAL APPEARANCE AS A PERSONAL REPRESENTATIVE OF CARY THORNTON AFTER HEARING FROM MR. RANA AND MR. HALL, AND HAVING BEEN DULY ADVISED OF THE RECORD AND FILE HERE IN, COURT STATED THAT THIS MATTER MAY HAVE TO BE ADDRESSED BY PROBATE COURT. MR. RANA REQUESTED TO CONTINUE THIS MATTER UNTIL MOVED ON MR. HALL ORALLY WITHDREW HIS MOTION TO INTERVENE. HEARING CONCLUDED 3/14/2016: NOTICE OF WITHDRAWAL OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT FILED 1/28/2013.				
Seq: 3	App Desc:	EMERGENCY MOTION FOR LEAVE TO INTERVENE ON BEHALF OF DEFT CARY THORNTON NOW DECEASED (J HALL, PRO SE)		
App Type: MOT	Loc: 1C21	Type: CM		
Date/Time: 03/19/2013 09:30	Phase:	App Disp: WDW		
CTRM:	Cal Type: CM	Priority: 90		
Judge I.D.: JBAYABE	Video No.:	Audio No.:		
Minutes: ***** 02/27/13: HEARING ON 02/27/13 FOR PLTF'S MOTION FOR SUMMARY JUDGMENT, MR. HALL REQUESTED HIS MOTION TO BE WITHDRAWN				
Seq: 4	App Desc:	COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS (P MCHENRY)		
App Type: MOT	Loc: 1C21	Type: CM		
Date/Time: 10/14/2014 09:30	Phase:	App Disp: RSC		
CTRM:	Cal Type: CM	Priority: 27		
Judge I.D.: JBAYABE	Video No.:	Audio No.:		
Minutes: BY AGRMT OF PTYS, MATTER RSC TO 11/18/2014.				
Seq: 5	App Desc:	PLTF'S MOTION/SUBSTITUTE RANDALL M.L. YEE SPECIAL ADMINISTRATOR OF THE ESTATE OF CARY THORNTON F/ DEFT CARY THORNTON (R. EHRHORN) ***<EX-PARTE MOTION TO SHORTEN TIME GRANTED>***		
App Type: MOT	Loc: 1C21	Type: CM		
Date/Time: 10/23/2014 09:00	Phase:	App Disp: GRT		
CTRM:	Cal Type: CM	Priority: 12		
Judge I.D.: JBAYABE	Video No.:	Audio No.:		
Minutes: *****COURT REPORTER: JESSICA AKITA***** (9:52:10 - 9:52:45) CT CLK: S. WUCASE CALLED. APPEARANCE: KEN OHARA F/ PLAINTIFF WITH NOTHING FURTHER FROM THE PLAINTIFF, THE COURT GRANTED THE MOTION. HEARING CONCLUDED.				

Seq: 6	App Desc: COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS (P MCHENRY) (FM: 10/14)	
App Type: MOT	Loc: 1C21	Type: CM
Date/Time: 11/18/2014 09:30	Phase:	App Disp: GRT
CTRM:	Cal Type: CM	Priority: 27
Judge I.D.: JBAYABE	Video No.:	Audio No.:
Minutes: ***COURT REPORTER: JAMIE MIYASATO*** 9:58:01-9:59:25 A.M. CASE CALLED. APPEARANCES: PAT MCHENRY F/ COUNTERCLAIM DEFT RANDALL YEE, SPECIAL ADMINISTRATOR F/ THORNTON ESTATE PARTIES AGREED TO HAVE MOTION GRANTED WITHOUT PREJUDICE. SO ORDERED.		
Seq: 7	App Desc: PLTF'S NON-HRG MOTION TO IDENTIFY HAWAII KAI MARINA COMMUNITY ASSN & SPINNAKER ISLE ASSN AS DOENTITIES 1 & 2 (R EHRHORN) (FILED 4/14/15)	
App Type: MOT	Loc: 1C21	Type: NH
Date/Time: 05/01/2015	Phase:	App Disp: GRT
CTRM:	Cal Type: NH	Priority: 0
Judge I.D.: JBAYABE	Video No.:	Audio No.:
Minutes: *****MINUTE ORDER (EAI): JUNE 22, 2015***** THE COURT HAVING REVIEWED THE SUBJECT MOTION AND BEING DULY ADVISED OF THE RECORD AND FILE HEREIN AND FOR GOOD CAUSE APPEARING THEREFORE, HEREBY GRANTS PLAINTIFF'S NON-HEARING MOTION TO IDENTIFY HAWAII KAI MARINA COMMUNITY ASSOCIATION AND SPINNAKER ISLE ASSOCIATION AS DOE ENTITIES 1 AND 2, RESPECTIVELY. MR. EHRHORN, JR. TO PREPARE THE ORDER. ***** A COPY OF THE MINUTE ORDER SHALL BE PLACED IN THE ATTORNEY COURT JACKET FOR CLAY CHAPMAN IWAMURAPULICE & NERVELL, EKIMOTO & MORRIS LLLC, KESSNER UMEBAYASHI BAIN & MATSUNAGA, AND CADES SCHUTTE AND MAILED TO RANDALL M.L. YEE, ESQ. AND SPINNAKER ISLE ASSOCIATION.		
Seq: 8	App Desc: PLTF'S MOTION FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT (R. EHRHORN)	
App Type: MSJ	Loc: 1C21	Type: CM
Date/Time: 01/20/2016 09:00	Phase:	App Disp: CON
CTRM:	Cal Type: CM	Priority: 90
Judge I.D.: JBAYABE	Video No.:	Audio No.:
Minutes: *****COURT REPORTER: THERESA REESE***** (9:48:26 - 9:58:46) CT CLK: S. WUCASE CALLED. APPEARANCES: WARREN LANCE F/ PLAINTIFF GARY DUBIN F/ JAMES HALL MR. DUBIN CONTESTED TO APPOINTMENT OF SPECIAL ADMINISTRATOR IN THE PROBATE MATTER AND OPPOSED TO SUBSTITUTION OF PARTY; REQUESTED TO CONTINUE INSTANT MOTION PENDING PROBATE COURT HEARING. THE COURT NOTED TO MR. LANCE THE FIRST MSJ MOTION WAS NOT BEING WITHDRAWN. THE COURT CONTINUED THE CASE TILL FURTHER MOVED UPON. HEARING CONCLUDED.		
Seq: 9	App Desc: INTERESTED PARTY JAMES HALL'S MOTION (1) TO SET ASIDE THIS COURT'S NOVEMBER 13, 2015 "ORDER GRANTING PLTF'S MOTION ETC (G. DUBIN)	
App Type: MOT	Loc: 1C21	Type: CM
Date/Time: 03/01/2016 09:30	Phase:	App Disp: WDW
CTRM:	Cal Type: CM	Priority: 21
Judge I.D.: JBAYABE	Video No.:	Audio No.:
Minutes: 2/25/2016: NOTICE OF VOLUNTARY WITHDRAWAL WITHOUT PREJUDICE OF INTERESTED PARTY JAMES HALL'S MOTION - RECEIVED.		

Seq: 10	App Desc: PLTF'S MSJ & DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 1/13/12 (S IWAMURA) (FROM 1/20/16)	
App Type: MSJ	Loc: 1C21	Type: CM
Date/Time: 06/01/2016 09:00	Phase:	App Disp: CON
CTRM:	Cal Type: CM	Priority: 80
Judge I.D.: JBAYABE	Video No.:	Audio No.:
Minutes: *****COURT REPORTER: MERI-JO DAVIDSON***** (9:49:20 - 9:59:34) CT CLK: S. WUCASE CALLED. APPEARANCES: WARREN LANCE F/ PLAINTIFF GARY DUBIN F/ INTERESTED PARTY JAMES HALL MR. DUBIN REQUESTED THE CASE BE CONTINUED AS MR. HALL TOOK ACTION WITH PROBATE COURT TO REMOVED CURRENT ADMINISTRATOR AND SOUGHT TO BE APPOINTED BEFORE INTERVENING THE INSTANT MOTION. MR. LANCE OBJECTED TO CONTINUANCE AS MR. HALL WAS NOT A PARTY. THE COURT NOTED MERGING DOCUMENT WAS MISSING LED THE GAP IN CHAIN OF TITLE. THE CASE TO BE CONTINUED TILL FURTHER MOVED UPON. HEARING CONCLUDED.		
Seq: 11	App Desc: PLTF'S MTN FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 1/13/12, FILED 10/1/15 (S IWAMURA)	
App Type: MSJ	Loc: 1C21	Type: CM
Date/Time: 12/07/2016 09:00	Phase:	App Disp: GRT
CTRM:	Cal Type: CM	Priority: 100
Judge I.D.: JBAYABE	Video No.:	Audio No.:
Minutes: *****COURT REPORTER: MARI-JO DAVIDSON***** (9:30:22 - 9:33:10) CT CLK: S. WUCASE CALLED. APPEARANCES: KALEIO FONG F/ PLAINTIFF ARLETTE HARADA F/ ASSOCIATION MR. FONG NOTED SUPPLEMENTAL MEMORANDUM FILED 6/27/2016 PROVIDING SUPPORT TO THE MOTION. MS. HARADA BROUGHT TO ATTENTION OF COURT FOR FUTURE COMMISSIONER TO KNOW THERE WAS SHORT TERM RENTAL ONGOING. RESPONDING TO COURT'S INQUIRY ABOUT PROBATE MATTER BY MR. DUBIN, MR. FONG NOTED IT WAS DENIED BY PROBATE COURT. WITH NOTHING FURTHER, THE COURT GRANTED THE MOTION. HEARING CONCLUDED.		

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE ESTATE)	PROBATE NO. 13-1-0360
of)	
CARY THORNTON,)	
Deceased.)	
)	

TRANSCRIPT OF PROCEEDINGS

had before the HONORABLE DERRICK H. M. CHAN, Judge,
Twenty-Third Division, presiding on Thursday, July 14,
2016. INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE
SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO
THE ESTATE.

APPEARANCES:

GARY V. DUBIN, ESQ.	For James Hall
THOMAS BUSH, ESQ.	For Randall Yee
KEN OHARA, ESQ.	For Bank of America NA

TRANSCRIBED BY:
Lila H. M. Grumling, CSR 159
Official Court Reporter
First Circuit Court
State of Hawaii

Official Court Reporters
First Circuit Court
State of Hawaii

1 THURSDAY, JULY 14, 2016

9:04 A.M.

2 --oOo--

3 THE BAILIFF: Calling out of order case
4 number 19, Probate Number 13-1-0360, The Estate of Cary
5 Thornton. Interested Party James Hall's Motion to Remove
6 Special Administrator and to Surcharge Him for Damages to
7 The Estate.

8 THE COURT: Okay, appearances.

9 MR. DUBIN: Good morning, Your Honor. Gary
10 Dubin representing interested party, Mr. Hall, who's with
11 us in the courtroom.

12 THE COURT: Good morning.

13 MR. HALL: Good morning.

14 MR. BUSH: Good morning, Your Honor. Tom
15 Bush on behalf of respondent, Randall Yee.

16 THE COURT: Good morning.

17 MR. OHARA: Good morning, Your Honor. Ken
18 Ohara on behalf of Bank of America NA.

19 THE COURT: Okay, good morning.

20 Okay, I've reviewed the submissions.

21 Anything further, Mr. Dubin?

22 MR. DUBIN: No, but I would like to point out
23 that this is really nothing personal against Mr. Yee. If
24 I can say it as politely as possible, there is a culture
25 of corruption that we all just assume a special

1 administrator's appointed. They turn out to be appointed
2 by -- by the foreclosing mortgagee. They don't have any
3 responsibilities. I think they're paid by the -- sort of
4 a conflict. They're paid by the foreclosing mortgagee.

5 In this case, there's a lot of underlying
6 problems. The family was estranged. They -- at the time
7 of death, they came in and looted the place according to
8 my clients and other eyewitnesses.

9 My client was very close to the decedent. He
10 spent -- he spent himself over a hundred thousand to fix
11 the property up. He's taking care of the property. There
12 were certain communications between him and the decedent
13 leading him to believe that he was going to inherit the
14 property. We believe there was a will that was destroyed.
15 But for purposes of today, no defense has been presented
16 in the foreclosure action. And we think that there are
17 good defenses to protect the estate.

18 And also, we think that we need to go and
19 recover the assets of the estate. So my client -- you
20 know, litigation's expensive. We gave a certain amount of
21 opportunity to Mr. Yee to do something, and he's not
22 really appointed to -- to do anything. That's the
23 problem. We would like Mr. Hall, as interested party, to
24 be the special administrator. And, in fact, he was listed
25 as a interested party. But yet, the notice that went out

1 for the appointment of Mr. Yee did not list him -- or,
2 excuse me, did not serve him, although listed him as
3 interested party.

4 In addition to that, the family, the
5 children, were not even listed in the notice. So the
6 notice which resulted in the appointment of Mr. Yee was
7 defective which raises another question as to his
8 jurisdiction. We think the simple answer is to let
9 Mr. Hall succeed Mr. Yee as the special administrator so
10 that the estate property can be properly defended.

11 THE COURT: In this case and all cases, I
12 give the special administrator the authority to seek out
13 and retain and preserve all assets of the estate. Is
14 there something specific that you wanted Mr. Yee to -- to
15 do?

16 MR. DUBIN: Well, he hasn't defended against
17 the foreclosure. He didn't file any opposition to the
18 original motions for summary judgment. And that -- that's
19 the big asset of the estate.

20 THE COURT: Okay. You know, I'm --

21 MR. DUBIN: Yeah.

22 THE COURT: -- you're the expert on
23 foreclosure, but if there's a situation where the estate
24 is -- and I'm just throwing it out there -- is in default
25 due to nonpayment, wouldn't it be more productive for the

1 estate, as far as retaining the assets, sometimes not to
2 fight it and then recover all other assets for the
3 decedent's or any beneficiaries or interested parties? In
4 other words, if Mr. Yee had made a valid assessment -- I
5 don't -- I don't know what his assessment was -- but his
6 assessment was that I'm not going to contest this
7 foreclosure because the estate has been, you know, behind
8 for years, what I'm going to do is try and work it out and
9 preserve as much of the estate as possible for the
10 beneficiaries and interested parties, wouldn't that be a
11 possible practical role or course of action for the
12 special administrator to take?

13 MR. DUBIN: Well, theoretically, of course.

14 THE COURT: Yeah. And I'm --

15 MR. DUBIN: But as a --

16 THE COURT: -- not saying this is the case.

17 MR. DUBIN: No. But as a practical matter,
18 there's been no such discussions. My client, as the
19 special administrator, would try to resolve it with the
20 foreclosing mortgagee. We -- we do have defenses.

21 THE COURT: Okay, well --

22 MR. DUBIN: I -- I laid them out in the
23 paper.

24 THE COURT: Okay.

25 MR. DUBIN: And in addition to that, there's

1 really -- the assets have been taken away by the -- by the
2 estranged family. So I don't see where it's a question of
3 spending money here or there, and always the issue is
4 money. And my client is prepared, as he has -- he spent
5 over a hundred thousand to preserve the property. He's
6 prepared to spend the money to try to save the property.
7 And he feels that he's the beneficiary --

8 THE COURT: Okay --

9 MR. DUBIN: -- and that --

10 THE COURT: -- respectfully, I don't see that
11 with the pleadings. However, he could be a creditor of
12 the estate, okay. And sometimes, as in the special
13 administrator situations, I appoint the creditor. You
14 know, it's possible.

15 MR. DUBIN: Yeah, well, he's -- he's willing
16 to waive that. He's -- he was a good -- he was a good
17 friend of the decedent.

18 THE COURT: Mh-hm. You know, and -- and I
19 respect that, Mr. Dubin, but I can't find, as a matter of
20 course in the probate court, that he was -- you know, he
21 was entitled to become a special administrator, especially
22 at this point in time. You know -- you know, good friends
23 are important in our lives. But I look at interested
24 parties, I look at family members, and then I determine
25 whether or not notice has been appropriate.

1 MR. DUBIN: Well, sure. But here -- here
2 there has not been notice to the interested parties. One
3 of the interested parties was designated as Mr. Hall. He
4 didn't receive notice before the appointment which we
5 believe is a jurisdictional defect. Notice has to be
6 given.

7 THE COURT: Okay --

8 MR. DUBIN: So --

9 THE COURT: -- so we're here now today, okay,
10 so --

11 MR. DUBIN: Right.

12 THE COURT: -- what you're asking is that we
13 take away my previous appointment of the special
14 administrator. But that doesn't make Mr. Hall
15 automatically eligible to step in line. That's what I'm
16 trying to say. You know, I have a concern -- and I'm
17 being as candid as possible --

18 MR. DUBIN: Uh-huh.

19 THE COURT: -- whether a friend can come in
20 and say, hey, judge, I'm a friend, I'm going to be the
21 special administrator for this estate. I would probably
22 need more. You know, like I said, he's a potential
23 creditor. I -- I -- I don't know, Mr. Dubin, but I'm
24 missing some steps by coming to the conclusion that your
25 client should be the special --

1 MR. DUBIN: Well --

2 THE COURT: -- administrator.

3 MR. DUBIN: -- the -- the court is in little
4 bit of a dilemma because the statute on notice was not
5 followed in this case.

6 THE COURT: No, and that's what I was --

7 MR. DUBIN: So --

8 THE COURT: -- getting to. I can continue
9 this case, and we can go over the same discussion as we're
10 going through today or maybe more discussion. I'm willing
11 to continue it. I don't know what opposing counsel's
12 thoughts are if we cure that. But I'm saying that I'm not
13 sure out of the chute whether or not notice was not
14 perfected, okay. I mean, you're telling me, eh, judge, I
15 didn't get notice. I -- I'm looking at the file. I'm
16 seeing that the beneficiaries were given --

17 MR. DUBIN: Your Honor, the children weren't
18 even listed. So --

19 THE COURT: Okay.

20 MR. DUBIN: -- they weren't given notice.
21 They weren't even listed as given notice in the first
22 place. So that's a defect that is -- is in the
23 documents --

24 THE COURT: Okay.

25 MR. DUBIN: -- apart from Mr. Hall.

1 THE COURT: I don't have that file before me
2 right now. I'll hear from opposing counsel regarding
3 notice.

4 MR. DUBIN: But let me just --

5 THE COURT: Did you guys --

6 MR. DUBIN: -- finish --

7 THE COURT: -- have the file --

8 MR. DUBIN: -- by saying we'd be happy to
9 meet with counsel for Mr. Yee and try to work these things
10 out. I don't know if Mr. Yee really desires to continue.
11 As I say, this is not really a criticism of him. You
12 know, this is a -- to me, this is another aspect of
13 mortgage fraud --

14 THE COURT: I appreciate that.

15 MR. DUBIN: -- that the people --

16 THE COURT: I appreciate that.

17 MR. DUBIN: -- just go ahead -- you know,
18 that the foreclosing mortgagee needs somebody to serve so
19 they go ahead and they appoint somebody, and they seem to
20 appoint pretty much the same people all the time. And
21 they don't do anything, and they don't conceive of
22 themselves as -- as doing anything, and they're not paid
23 to do anything.

24 THE COURT: Okay.

25 MR. DUBIN: And -- and here you have my

1 client coming in willing to pay an attorney, to waive any
2 conflict, to waive any payment to him because he -- he was
3 a part of this decedent's life.

4 THE COURT: Okay. Well, let me hear from
5 opposing counsel.

6 MR. DUBIN: Thank you.

7 THE COURT: Mr. Bush, Mr. Ohara.

8 MR. BUSH: Sure. Your Honor, on behalf of
9 Mr. Yee, certainly he's, you know, well-respected, I
10 think, in the community and has served as special
11 administrator and other capacities for many years and so
12 he's not part of any cabal or -- or anything of that sort
13 so that -- that should be thrown out the window.

14 The issue here and -- and the only issue that
15 Mr. Dubin has raised that has any validity of any sort
16 apparently is the notice issue.

17 THE COURT: Mh-hm.

18 MR. BUSH: And --and I understand that that's
19 what Your Honor is focusing on so I'll address that. With
20 respect to notice, you know, Mr. Yee isn't the one who --
21 who provided notice --

22 THE COURT: Right.

23 MR. BUSH: -- to -- to folks with the
24 petition so I'll have to leave that to -- to counsel over
25 here.

1 I would just want to point out a fact that
2 apparently is in the record that's my understanding, and
3 that is that Mr. Hall is really a squatter in the
4 property. So his -- his interest is basically to live
5 there as long as possible, I gather, and it's probably a
6 nice place, I -- I suspect, although perhaps his neighbors
7 aren't so happy with him.

8 But with respect to the notice issue, Your
9 Honor, Mr. Yee, once he became appointed, had provided
10 notice to appropriate -- to the persons that he was
11 intending to provide notice to that -- that -- with
12 respect to the mortgage and certainly filing his position.
13 I mean, he's acted, I believe, as special administrator in
14 these sorts of situations before. And as we pointed out
15 in our brief, simply making objections to delay the
16 process, the mortgage foreclosure process, is not in the
17 best interest of the estate.

18 And I think if Mr. Hall's client believes
19 that there are -- or Mr. -- Mr. Hall believes that there
20 are certain defenses that should be raised, he's an
21 interloper, and he has his own agenda, but that's not the
22 estate's agenda. And if there are notice issues that need
23 to be cured -- and I don't know that there are, but if
24 there are, they can be cured. And then all -- all we've
25 done is -- is delay the process 30 days or 45 days or

1 however many days it is, and then we're -- we're back
2 here, because the one thing, I think, that's undisputed,
3 Your Honor -- Mr. Dubin has raised notice issues, but the
4 one thing that's undisputed is really that Mr. Hall is
5 not an interested party. He's a friend by his own
6 description. He's a friend and thinks he's owed
7 something, but that's it. And there's nothing provided in
8 these papers to show anything else.

9 So quite frankly, I'm not even sure that
10 Mr. Hall has the ability to raise a standing complaint --
11 or -- or, I'm sorry, to -- to raise a notice complaint or
12 notice issue since -- it's as if, you know, somebody else
13 in the back row walked up here and said, hey, you know,
14 I've been listening to what's happening and I think there
15 are certain defenses here that should be raised and I want
16 to make an objection, and I -- I don't think -- you know,
17 I've looked at the file. Your Honor, if we start allowing
18 those types of people to -- to file petitions, then what
19 we've really done is -- is opened the -- the floodgates to
20 all sorts of litigation and -- and which is exactly what
21 the standing bar is intended to prohibit.

22 THE COURT: Okay --

23 MR. BUSH: Thank you.

24 THE COURT: -- thank you.

25 Mr. Ohara.

1 MR. OHARA: Your Honor, upon reviewing the
2 original petition filed to appoint the special
3 administrator, the daughter and son was left out of the
4 petition. However, the publication was completed and --
5 and we believe the notice was sufficient via publication.
6 But again, as Mr. Bush has pointed out, the daughter and
7 son has not raised any opposition to the appointment of
8 Randall Yee as special administrator. Mr. Hall is
9 bringing those defenses but, you know, Mr. Hall himself
10 has not presented evidence that he is an interested party
11 or have standing in this matter. So that -- that's pretty
12 much our position in terms of the petition previously
13 filed to appoint Randall Yee.

14 THE COURT: Okay, thank you.

15 Mr. Dubin.

16 MR. DUBIN: May I point out that in Mr. Yee's
17 petition, which is Exhibit 1 to our papers, James Hall is
18 listed as an interested party, grantee of power of
19 attorney, whatever that means, and the children are not
20 listed. So one who is listed as an interested party must
21 be given notice prior to the appointment. Mr. Hall was
22 not given notice prior to the appointment. And on that
23 basis alone, the -- the petition could not be granted
24 under the case law.

25 So, you know, we look for the simplest

1 solution to correct this problem. And Mr. Hall is an
2 interested person. Mr. Yee called him an interested
3 person. He was until the notice. He didn't get notice.
4 The children didn't get notice. I think this court is
5 under an obligation sua sponte to notice that the children
6 were not given notice. I don't even know if they -- if
7 they even know now. So to say that they -- they're not
8 speaking up, that doesn't cure the notice problem. So
9 there's a real notice problem here.

10 And the fact that the attorney for the
11 mortgagee, the foreclosing mortgagee, who apparently
12 prepared these papers is just further evidence of this
13 culture of unintended corruption that goes on. Here we
14 have a man -- here we have an interested party who is
15 listed as an interested party, who spent over a hundred
16 thousand to take care of the property.

17 Now, as I said, Your Honor, we're -- you
18 know, if necessary, we'd be pleased to continue the
19 hearing and provide the court with whatever information
20 the court might want. We don't know why Mr. Yee would
21 want to continue on given the fact that there is an
22 interested party who's interested. And the idea that this
23 is conserving the resource of the estate by not defending
24 is frankly ridiculous because this is the only asset of
25 the estate other than what has been taken away by the

1 estranged family.

2 THE COURT: Is there any other information
3 you wanted to share with Mr. Yee regarding your
4 perspective on defending the estate other than what's
5 submitted in the --

6 MR. DUBIN: I -- I have --

7 THE COURT: -- pleadings?

8 MR. DUBIN: -- Your Honor, and my memorandum
9 presented four or five defenses.

10 THE COURT: Right. Is there anything other
11 than that?

12 MR. DUBIN: No, except let me point out that
13 Mr. Yee doesn't have the money in order to pursue an
14 aggressive defense of the estate property. Whereas, my
15 client is willing to provide that. So I -- I sympathize
16 with Mr. Yee because, first of all, there are defenses,
17 but I don't think, you know, he has the wherewithal unless
18 -- it would be absurd to expect the foreclosing mortgagee
19 to continue to finance them against themselves.

20 THE COURT: Okay.

21 MR. DUBIN: And yet, I presume that he's
22 being paid by the foreclosing mortgagee. So --

23 THE COURT: Well, basically, after settlement
24 of the estate, his fees will come out of the estate.

25 MR. DUBIN: Well, if this property is lost,

1 there well could be a deficiency judgment. There is no
2 money.

3 THE COURT: Okay. Well --

4 MR. DUBIN: I think every once in a while,
5 Your Honor, in court, the perfect fact pattern arises. I
6 think this is the perfect fact pattern where --

7 THE COURT: Well --

8 MR. DUBIN: -- because of the notice problem,
9 the best solution is let Mr. Hall defend this action as a
10 special administrator. Now, he did apply to intervene as
11 an interested party with Judge Ayabe. Judge Ayabe
12 suggested that it was not really appropriate for him to
13 make that decision so he -- he passed the ball on to Your
14 Honor.

15 THE COURT: Mh-hm, mh-hm.

16 MR. DUBIN: And then I suggest I thought he
17 was correct, and then we've come here.

18 THE COURT: Well, like I'm saying, Mr. Dubin,
19 respectfully, just because it is suggested, or maybe even
20 more than suggested, that your client is interested party,
21 that doesn't make him eligible to be a special
22 administrator. Okay --

23 MR. DUBIN: Well, he's prepared to --

24 THE COURT: What --

25 MR. DUBIN: Yeah.

1 THE COURT: -- what I'm looking at,
2 Mr. Dubin, is interested parties. And I'm giving you the
3 benefit of the doubt. He might have a creditor's claim
4 against the estate. That doesn't necessarily in finality
5 make him the most qualified individual to be --

6 MR. DUBIN: Right.

7 THE COURT: -- the special administrator.

8 MR. DUBIN: He also claims that there's
9 evidence in the record that he was supposed to inherit the
10 -- he's supposed to be the beneficiary of the estate by
11 will, and the will was taken --

12 THE COURT: Okay.

13 MR. DUBIN: -- by the estranged family.

14 THE COURT: We're not there yet. All we're
15 -- the point we're at right now is the foreclosure action
16 where this court has assigned a special administrator.
17 Publication was done. You're here today. I can't skip
18 the steps and appoint your client as special
19 administrator.

20 MR. DUBIN: Well, Mr. Yee is retained as
21 special administrator. There's no defense being presented
22 to the foreclosure. We think that that under the
23 circumstances is absolutely wrong. So it isn't a question
24 of questioning Mr. Yee's ability to defend the action.
25 He's not defending the action. And he is charged under

1 this court's order to defend the assets of the estate.
2 And the idea that somehow he's decided it'll be a waste of
3 money doesn't work in -- in these facts because this is
4 the only asset.

5 THE COURT: Okay, well --

6 MR. DUBIN: So --

7 THE COURT: -- at this time --

8 MR. DUBIN: And -- and -- and Mr. Hall is
9 here today, and he's willing to go through any
10 interrogation or fulfill any additional requirements this
11 court might have to prove that he is the appropriate party
12 to represent the estate, and that's up to the court.

13 THE COURT: Okay.

14 MR. DUBIN: Thank you.

15 THE COURT: Well, Mr. Dubin, looking at the
16 records and files, I understand where you're coming from.
17 But I'm looking at publication. I'm looking at the
18 efforts made during the appointment. At that time, I
19 ruled that the efforts made by Mr. Ohara's firm, in
20 addition to the publication, was satisfied. I'm
21 respectfully not going to revisit that.

22 I believe any notice issue has been cured.
23 Your client apparently knew that Mr. Yee was the special
24 administrator. He's attended hearings regarding the
25 property in other courts. So I'm going to find that

1 there's no notice problem.

2 I'm respectfully going to deny your request
3 to appoint your client as special administrator.

4 Mr. Bush, please prepare the order.

5 MR. BUSH: Thank you, Your Honor.

6 THE COURT: Thank you, Mr. Dubin.

7 MR. OHARA: Thank you, Your Honor.

8 THE COURT: Thank you, Mr. Ohara.

9 (The proceedings concluded at 9:26 a.m.)

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C E R T I F I C A T E

I, LILA H. M. GRUMLING, CSR 159, Official Court Reporter of the First Circuit, State of Hawaii, do hereby certify that the foregoing, to the best of my ability, is a true and correct transcript of the audiotaped proceedings had in connection with the aforementioned cause.

Dated this 15th day of February, 2017.

Lila H. M. Grumling

Lila H. M. Grumling, CSR 159
Official Court Reporter

Official Court Reporters
First Circuit Court
State of Hawaii

I

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2016 AUG -4 AM 9:34

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F. PAGAY
CLERK

Attorney for Respondent Randall Yee
Special Administrator of The Estate of Cary Thornton

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE ESTATE

OF

CARY THORNTON, Deceased

P No. 13-1-0360

**ORDER DENYING INTERESTED
PARTY JAMES HALL'S MOTION TO
REMOVE SPECIAL ADMINISTRATOR
AND TO SURCHARGE HIM FOR
DAMAGES TO THE ESTATE FILED
JUNE 2, 2016**

DATE: July 14, 2016

TIME: 9:00 a.m.

JUDGE: Derrick H. M. Chan

**ORDER DENYING INTERESTED PARTY JAMES HALL'S
MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO
SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016**

Interested Party James Hall's Motion to Remove Special Administrator and to Surcharge Him for Damages to the Estate, filed June 6, 2016 (Motion), having come on for hearing before the Honorable Derrick H.M. Chan on July 14, 2016 at 9:00 a.m. Gary Dubin appeared on behalf of Interested Party James Hall, Ken Ohara appeared on behalf of Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP and Thomas E. Bush, appeared on behalf of Respondent Randall M.L. Yee.

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit
State of Hawaii

The Court having carefully considered the motion, memoranda and arguments of counsel.

IT IS HEREBY ORDERED THAT:

1. The Motion is denied.
2. There being no just reason for delay and the order being final as to persons with respect to all issues concerning the decedent's estate that the court considered or might have considered incident to the Motion and fully addresses all claims raised in said Motion, pursuant to Rule 34(a) of the Hawai'i Probate Rules, judgment shall be entered in the manner provided by Rules 54(b) and 58 of the Hawai'i Rules of Civil Procedure.

DATED: Honolulu, Hawai'i, _____

AUG 02 2016

DERRICK H.M. CHAN



JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



GARY DUBIN

Attorney for Interested Party James Hall



KEN OHARA

Attorney for Bank of America, N.A., Successor by Merger
To BAC Home Loans Servicing, LP fka
Countrywide Home Loans Servicing, LP

In the Matter of the Estate of Cary Thornton; P No. 13-1-0360; **ORDER DENYING INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016**

J

2016 SEP -9 AM 8: 04

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE ESTATE

OF

CARY THORNTON, Deceased

P No. 13-1-0360

**JUDGMENT ON THE ORDER
DENYING INTERESTED PARTY
JAMES HALL'S MOTION TO
REMOVE SPECIAL
ADMINISTRATOR AND TO
SURCHARGE HIM FOR DAMAGES
TO THE ESATE FILED JUNE 2, 2016**

DATE: July 14, 2016

TIME: 9:00 a.m.

JUDGE: Derrick H. M. Chan

**JUDGMENT ON THE ORDER DENYING INTERESTED PARTY
JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND
TO SURCHARGE HIM FOR DAMAGES TO THE ESATE FILED JUNE 2, 2016**

Pursuant to the Order Denying Interested Party James Hall's Motion to Remove Special Administrator and to Surcharge Him for Damages to the Estate filed herein on August 4, 2016 (the "Order");

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that there being no just reason to delay entry of judgment herein, final Judgment is entered on the Order pursuant to Rule 34(a) of the Hawai'i Probate Rules and in the manner provided by Rule 54(b) of the

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

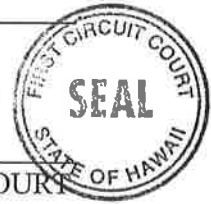

Clerk, Circuit Court, First Circuit
State of Hawaii

Hawai'i Rules of Civil Procedure. This judgment concludes all claims and issues raised in Interested Party James Hall's Motion to Remove Special Administrator and to Surcharge Him for Damages to the Estate.

SEP 06 2016

DATED: Honolulu, Hawai'i, _____

DERRICK H.M. CHAN



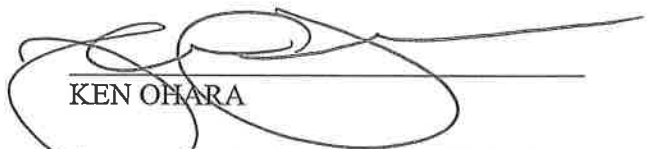
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



GARY DUBIN

Attorney for Interested Party James Hall



KEN OHARA

Attorney for Bank of America, N.A., Successor by Merger
To BAC Home Loans Servicing, LP fka
Countrywide Home Loans Servicing, LP

In the Matter of the Estate of Cary Thornton; P No. 13-1-0360, First Circuit Court;
**JUDGMENT ON THE ORDER DENYING INTERESTED PARTY JAMES HALL'S
MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM
FOR DAMAGES TO THE ESATE FILED JUNE 2, 2016**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly served upon the following interested persons by the Court's JEFS SYSTEM on the date first written below:

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Association

DATED: Honolulu, Hawaii; October 16, 2016.



GARY VICTOR DUBIN
FREDERICK J. ARENSMEYER
Attorneys for Interested Party
James Hall

K

Non-Criminal Case Information

Case ID: 1LP131000360	Case Title: ESTATE OF CARY THORTON	
Initiation Type: N	Initiation Date: 06/04/2013	Initiator I.D.: A8711
Confidential Code: N	Division:	Court: C
Cause of Action: SPEC ADMIN		Nature of Action: 03014
Consolidation Code:	Trial Type:	Trial Judge:
Section Code:	Court Costs: 0	Lower Court Case:
Case Disposition:	Case Termination:	Case Term. Date:
Orig. Agency:	Taxation Dist:	Tax Appeal Source:
Gen. Ex. Tax Amt.: 0.00	Gen. Ex. Tax No.:	Tax Key:
Property Location:		
Comments:		

Party List

Seq: 1		Name: THORTON, CARY	
Party Type: DC	Open Date: 06/06/2013		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments:			
Seq: 2		Name: BANK OF AMERICA	
Attorney Seq: 1	Attorney Name: RANA, MANMEET		
Attorney I.D.: A8711	Type: PV	Status: R	
Attorney Seq: 2	Attorney Name: CHAPMAN, ROBERT E		
Attorney I.D.: A2679	Type: PV	Status: A	
Attorney Seq: 3	Attorney Name: GRAETZ, DAVID H		
Attorney I.D.: A9694	Type: PV	Status: A	
Party Type: PT	Open Date: 06/06/2013		
Amt. Prayed For:	Attorney's Fee:	Amt. Awarded:	
Attorney Commission:	Interest:	Sheriff's Fee:	
Notary Fee:	Court Costs:	Mileage Fee:	
Comments:			

Document List

Seq: 1	Document Title: PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATION; EXH A
Doc Type:	Date/Time: 06/04/2013 10:10
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 2	Document Title: ORDER SETTING DATE, TIME, & PLACE OF HRG ON PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR; EXH A
Doc Type: O	Date/Time: 06/04/2013 10:10
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 3	Document Title: ORDER SETTING DATE, TIME AND PLACE OF HEARING ON PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR
Doc Type:	Date/Time: 07/16/2013 13:27
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 4	Document Title: AFFIDAVIT OF PUBLICATION (PUBL IN HONOLULU STAR-ADVERTISER ON 11/14/13, 11/21/13, 11/28/13)(A&P HRG 12/12/13 @ 9:00AM)
Doc Type: AOP	Date/Time: 12/04/2013 14:07
Filing Party: OTHER	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 5	Document Title: WITHDRAWAL AND SUBSTITUTION OF COUNSEL FOR PETITIONER BANK OF AMERICA, NA, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP AND ORDER; C/S
Doc Type:	Date/Time: 01/02/2014 15:28
Filing Party: GRAETZ, DAVID H	
Volume Number:	Case Folder Pg:
Comments: C/S	
Seq: 6	Document Title: AMENDMENT TO PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR, FILED JUNE 4, 2013
Doc Type:	Date/Time: 01/22/2014 10:36
Filing Party: GRAETZ, DAVID H	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 7	Document Title: ORDER GRANTING PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR
Doc Type:	Date/Time: 01/22/2014 10:57
Filing Party: GRAETZ, DAVID H	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 8	Document Title: ACCEPTANCE OF APPOINTMENT (RANDALL M L YEE, ESQ)
Doc Type:	Date/Time: 02/11/2014 11:40
Filing Party: CHAPMAN, ROBERT E	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 9	Document Title: LETTERS OF SPECIAL ADMINISTRATION (RANDALL M L YEE, ESQ)
Doc Type:	Date/Time: 02/18/2014 13:22
Filing Party: CHAPMAN, ROBERT E	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 10	Document Title: (VOL 901) DEATH CERTIFICATE OF CARY C THORNTON (SEALED/CALL LDB)
Doc Type:	Date/Time: 03/25/2014 11:22
Filing Party: CHAPMAN, ROBERT E	
Volume Number:	Case Folder Pg: *
Comments:	
Seq: 11	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 07/22/2014 09:07
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 12	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 08/04/2014 08:21
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 13	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 10/07/2015 10:19
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 14	Document Title: INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE; DEC/G V DUBIN; DEC/J HALL; EXHS 1-7; C/S
Doc Type: M	Date/Time: 06/02/2016 09:57
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 15	Document Title: ORDER SETTING DATE, TIME AND PLACE OF HEARING ON INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE; C/S
Doc Type: OPFPW	Date/Time: 06/02/2016 10:02
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 16	Document Title: NOTICE OF HEARING ON INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE; C/S
Doc Type: NH	Date/Time: 06/02/2016 10:04
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 17	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 06/20/2016 13:29
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 18	Document Title: RESPONDENT RANDALL M L YEE'S SPECIAL ADMINISTRATOR OF THE ESTATE OF CARY THORNTON, OPPOSITION TO INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016; DECLARATION OF THOMAS E BUSH; EXHIBIT A; CERTIFICATE OF SERVICE
Doc Type:	Date/Time: 07/05/2016 14:36
Filing Party: BUSH, THOMAS EDWARD	
Volume Number:	Case Folder Pg:
Comments: SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016; DECLARATION OF THOMAS E BUSH; EXHIBIT A; CERTIFICATE OF SERVICE	
Seq: 19	Document Title: BANK OF AMERICA, NA, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP'S REPLY TO INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016; C/S
Doc Type:	Date/Time: 07/08/2016 14:13
Filing Party: EHRHORN JR, ROBERT M	
Volume Number:	Case Folder Pg:
Comments: ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016; C/S	
Seq: 20	Document Title: ORDER DENYING INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR & TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016
Doc Type: ODE	Date/Time: 08/04/2016 09:34
Filing Party: BUSH, THOMAS EDWARD	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 21	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS	Date/Time: 08/05/2016 10:59
Filing Party: BUSH, THOMAS EDWARD	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 22	Document Title: REQUEST TO ACCESS COURT RECORD (HCRR)
Doc Type: RACR	Date/Time: 08/11/2016 08:05
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 23	Document Title: JUDGMENT ON THE ORDER DENYING INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 2, 2016
Doc Type: JUDG	Date/Time: 09/09/2016 08:04
Filing Party: BUSH, THOMAS EDWARD	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 24	Document Title: NOTICE OF ENTRY OF JUDGMENT ON THE ORDER DENYING INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE FILED JUNE 20, 2016
Doc Type: NEJ	Date/Time: 09/09/2016 08:04
Filing Party: BUSH, THOMAS EDWARD	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 25	Document Title: NOTICE OF APPEAL TO THE HAWAII INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII BY INTERESTED PARTY JAMES HALL; EXHS A-B; C/S (ICA CAAP-16-0000669)
Doc Type: NOA	Date/Time: 11/25/2016 14:38
Filing Party: ARENSMEYER, FREDERICK JOHN	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 26	Document Title: CIVIL APPEAL DOCKETING STATEMENT (ICA CAAP-16-0000669)
Doc Type: CADS	Date/Time: 11/25/2016 14:39
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 27	Document Title: RECORD ON APPEAL (ICA CAAP-16-0000669)
Doc Type: ROA	Date/Time: 11/28/2016 06:48
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 28	Document Title: NOTICE OF ELECTRONIC FILING RECORD ON APPEAL (ICA CAAP-16-0000669)
Doc Type: NEF	Date/Time: 11/28/2016 06:48
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	

Court Minutes List

Seq: 1	App Desc: PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR (M. RANA) (PETR: BANK OF AMERICA, N.A.)	
App Type: PET	Loc: 1C23	Type: CV
Date/Time: 10/03/2013 09:00	Phase:	App Disp: CON
CTRM:	Cal Type: CV	Priority: 14
Judge I.D.: JDCHAN	Video No.:	Audio No.:
Minutes: DVD: 1C23/100313/1 CLERK: C. R. VALERIO LAW CLERK: S. SHIGETOMI PRESENT: MANMEET RANA, ESQ. FOR PETITIONER 9:35A.M. CASE CALLED AND APPEARANCE MADE. MR. RANA REQUESTED 60DAYS CONTINUANCE. NEED PUBLICATION COURT CONTINUED MATTER TO 12/12/13 AT 9:00A.M. 9:36A.M. CONCLUDED.		
Seq: 2	App Desc: PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR (M. RANA) (PETR: BANK OF AMERICA, N.A.) (FR. 10/03/2013)	
App Type: PET	Loc: 1C23	Type: CV
Date/Time: 12/12/2013 09:00	Phase:	App Disp: GRT
CTRM:	Cal Type: CV	Priority: 18
Judge I.D.: JDCHAN	Video No.:	Audio No.:
Minutes: DVD: 1C23/121213/1 CLERK: C. R. VALERIO LAW CLERK: I. JOBE PRESENT: DAVID GRAETZ, ESQ. FOR PETITIONER; 9:50A.M. CASE CALLED AND APPEARANCE MADE. COUNSEL MADE REPRESENTATION. FOLLOWING REPRESENTATION BY COUNSEL, COURT GRANTED PETITION, SUBJECT TO REMOVING COPIES OF BIRTH CERTIFICATE FROM PETITION AND FILING ORIGINAL COPY OF DEATH CERTIFICATE UNDER SEAL. MR.GRAETZ TO FILE ACCEPTANCE OF APPOINTMENT. RANDALL YEE APPOINTED TO SERVE AS SPECIAL ADMINISTRATOR W/ LIMITATIONS ON POWER AS SET FORTH IN THE PETITION. MR. GRAETZ TO PREPARE ORDER AND ATTACH HIS APPEARANCE ON THIS CASE. MR. GRAETZ STATED WITHDRAWAL AND SUBSTITUTION OF COUNSEL WILL BE FILED BY THIS AFTERNOON. 9:52A.M. CONCLUDED.		
Seq: 3	App Desc: CONTINUATION OF MINUTES	
App Type: HRG	Loc: 1C23	Type: CV
Date/Time: 07/14/2016 09:00	Phase: T	App Disp: OTH
CTRM:	Cal Type: CV	Priority: 0
Judge I.D.: JDCHAN	Video No.:	Audio No.:
Minutes: FURTHER COLLOQUY ATTY DUBIN NOTED MR. HALL WAS TO BE BENEFICIARY OF WILL, BUT WILL WAS TAKEN BY FAMILY CT NOTED NOT AT THAT PLACE AT THE MOMENT; THIS CT HAS ASSIGNED SPECIAL ADMINISTRATOR, CAN'T SKIP STEPS AND APPOINT MR. DUBIN'S CLIENT AS SA ATTY DUBIN MADE FURTHER REPRESENTATIONS CT NOTED LOOKING AT RECORDS AND FILES, UNDERSTAND WHERE MR. DUBIN IS COMING FROM; HOWEVER LOOKING AT PUBLICATION AND EFFORTS MADE FULED AT THAT TIME THAT EFFORTS MADE FOR NOTICE WERE SATISFIED; CLIENT KNEW THAT MR. YEE WAS SPECIAL ADMINISTRATOR; NO NOTICE PROBLEM, RESPECTFULLY DENY MOTION TO APPOINT MR. HALL AS SPECIAL ADMINISTRATOR ATTY BUSH TO PREPARE THE ORDER 9:26AM: CONCLUDED.		

Seq: 4	App Desc:	INTERESTED PARTY JAMES HALL'S MOTION TO REMOVE SPECIAL ADMINISTRATOR AND TO SURCHARGE HIM FOR DAMAGES TO THE ESTATE (G. V. DUBIN) (PETR: JAMES HALL)	
App Type: PET	Loc: 1C23	Type: CV	
Date/Time: 07/14/2016 09:00	Phase:	App Disp: DND	
CTRM:	Cal Type: CV	Priority: 19	
Judge I.D.: JDCHAN	Video No.:	Audio No.:	
Minutes: DVD: 1C23/07142016/1 CLERK: T. KEOLANUI PRESENT: G. DUBIN, ESQ. W/PETITIONER; T. BUSH, ESQ FOR RANDALL YEE; K. OHARA, ESQ. FOR BOA 9:04AM: CASE CALLED AND APPEARANCES MADE CT NOTED HAVE REVIEWED THE SUBMISSIONS; QSTND COUNSEL IF HAVE ANYTHING FURTHER TO ADD FOR THE RECORD ATTY DUBIN ADDRESSED THE CT; SPOKE RE CULTURE OF CORRUPTION IN REGARDS TO FORECLOSURES; CLIENT HAS TAKEN CARE OF PROPERTY AND SPENT OWN MONEY ON REPAIRS; BELIEVE THERE ARE GOOD DEFENSES AGAINST FORECLOSURE; REQST MR. HALL BE APPOINTED AS SPECIAL ADMINISTRATOR CT NOTED SPECIAL ADMINISTRATOR IS GIVEN AUTHORITY TO SEEK OUT AND PRESERVE ALL ASSETS OF ESTATE ATTY DUBIN NOTED SA HAS NOT DEFENDED AGAINST THE FORECLOSURE; NO OPPOSITIONS FILED; BIG ASSET OF ESTATE CT NOTED ADDRESSED MR. DUBIN RE WHAT IS MORE PRODUCTIVE FOR AN ESTATE ATTY DUBIN NOTED HIS CLIENT WOULD FIGHT THE FORECLOSURE AND IS PREPARED TO SPEND MONEY TO SAVE PROPERTY AND HE IS A BENEFICIARY CT NOTED MR. DUBIN'S CLIENT MAY BE A CREDITOR ATTY DUBIN NOTED JURISDICTIONAL DEFECT RE NOTICE TO INTERESTED PARTIES CT ADDRESSED MR. DUBIN RE LACK OF PRIORITY FOR HIS CLIENT AS SPECIAL ADMINISTRATOR ATTY DUBIN ADDRESSED CT RE LACK OF NOTICE; WILLING TO SIT DOWN WITH MR. YEE ATTY BUSH ADDRESSED THE COURT ON BEHALF OF MR. YEE; ISSUE IS NOTICE; NOTED MR. HALL'S INTEREST IN PROPERTY; MR. HALL IS NOT AN INTERESTED PARTY ATTY OHARA ADDRESSED CT RE NOTICE; DAUGHTER AND SON WERE LEFT OUT OF PETITION, HOWEVER PUBLICATION WAS COMPLETED AND BELIEVE NOTICE WAS SUFFICIENT VIA PUBLICATION; DAUGHTER AND SON HAVE NOT RAISED OPPOSITION TO APPT OF RANDALL YEE AS SPECIAL ADMINISTRATOR; MR. HALL HAS NOT PRESENTED EVIDENCE THAT HE IS AN INTERESTED PARTY ATTY DUBIN MADE REFERENCE TO EXHIBIT 1; MR. HALL IS AN INTERESTED PERSON WHO WAS ENTITLED TO NOTICE; WILLING TO CONTINUE HEARING TO PROVIDE CT ANY INFORMATION THE CT MAY WANT; MR. DUBIN NOTED HAVE EXPLAINED 4/5 DEFENSES IN PLEADINGS -----SEE PHASE T FOR CONTINUATION-----			

No. CAAP-16-0000669

**IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII**

IN THE MATTER OF THE ESTATE

of

CARY THORNTON,

Deceased.

JAMES HALL,

Petitioner-Appellant,

v.

RANDALL YEE, Special Administrator, and
THE BANK OF AMERICA, N.A.,

Respondents-Appellees.

**On Appeal from the Circuit Court of the First Circuit
(P. No. 13-1-0360 -- The Honorable Derrick H. M. Chan, Presiding)**



CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly served upon the following interested persons by the Court's JEFS SYSTEM on the date first written below:

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DATED: Honolulu, Hawaii, February 27, 2017.



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