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CAAP-16-0000669

IN THE INTERMEDIATE COURT OF APPEALS

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.

P. NO. 13-1-0360
(Probate)

APPEAL FROM THE

1) 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, FILED AUGUST 4, 2016

2) JUDGMENT ON THE ORDER
DENYING INTERESTED PARTY JAMES
HALL'S MOTION TO REMOVE SPECIAL
ADMINISTRATOR AND TO
SURCHARGE HIM FOR DAMAGES TO
THE STATE FILED JUNE 2, 2016, FILED
SEPTEMBER 9, 2016.

FIRST CIRCUIT COURT
HONORABLE DERRICK H. M. CHAN

RESPONDENT-APPELLEE'S ANSWERING BRIEF

APPENDIX A

COUNTER-STATEMENT OF RELATED CASES

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**RESPONDENT-APPELLEE BANK OF AMERICA, N.A.’S
ANSWERING BRIEF**

I. CONCISE STATEMENT OF THE CASE

Respondent-Appellee BANK OF AMERICA, N.A. (“Appellee” or “BANA”), pursuant to Hawaii Rule of Appellate Procedure (“HRAP”) 28(c), respectfully files this Answering Brief in response to Petitioner-Appellant JAMES HALL’s (“Appellant” or “HALL”) appeal of the First Circuit Court’s: (1) 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, Filed August 4, 2016; and (2) Judgment on the Order Denying Interested Party James Hall’s Motion to Remove Special Administrator and to Surcharge him for Damages to the State filed June 2, 2016, Filed September 9, 2016 (collectively, the “Probate Court Decision”). See Record on Appeal (“ROA”)¹ at pp. 149-156.

A. Nature of the Case

On January 13, 2012, BANA began a foreclosure action (“Foreclosure Action”) relating to the promissory note and mortgage executed by CARY THORNTON’s (“THORNTON”) and encumbering the real property located at 559 Kumukahi Place, Honolulu, HI 96825 (“Property”). Thereafter, THORNTON passed away, necessitating the appointment of a special administrator to represent the Estate of THORNTON. See ROA at p. 12 (the Petition for Appointment of Special Administrator, filed June 4, 2013 (“Petition”)). BANA filed a Petition, and the Court appointed Randall M.L. Yee (“YEE”) as the Special Administrator. See ROA at p. 12, 33 (Order Granting Petition), 37 (Letters of Special Administration, filed February 18, 2014). HALL sought the removal of YEE as Special Administrator and requested that HALL be appointed as

¹ All citations to the Record on Appeal (“ROA”) refer to the Adobe pdf record. Citations to the record herein will first state “ROA” followed by the appropriate Adobe pdf page numbers stated thereafter.

Special Administrator in YEE's place, which was denied by the Probate Court. See ROA at pp. 43, 152, 155. HALL has also opposed BANA's foreclosure action, but his arguments have been denied, and the Findings of fact, Conclusions of Law and Order Granting Plaintiff's Motion for Summary Judgment and Decree of Foreclosure Against All Defendants on Complaint filed January 13, 2012, was filed in the Foreclosure Action on April 20, 2017. See **Appendix A** attached hereto (Docket for the Foreclosure Action).

Accordingly, the Circuit Court properly denied HALL's Motion and HALL's resulting Appeal is equally factually flawed and legally unsupportable. Specifically, HALL's Opening Brief asserts two points of error: (1) that the Circuit Court erred in failing to remove the Special Administrator for cause because the Special Administrator did not notify and serve all interested parties of his Petition for Appointment; and (2) that the Circuit Court erred in allowing the Special Administrator to represent the Estate in the probate case and foreclosure case, without statutory authority, or personal and substantive jurisdiction. See Opening Brief at p. 5.

Regarding HALL's Points of Error, the preliminary issue is that HALL lacks standing to oppose the Petition and litigate this Appeal as an "interested party," when HALL has not established that he is in fact an interested party. See *infra* at III.A. Regarding Point of Error 1, the Circuit Court properly considered and determined that the Petition was filed and served by BANA and not by the Special Administrator, who had not yet been appointed by the Circuit Court. Moreover, the Circuit Court has made no finding or determination that HALL is an interested party, nor has HALL demonstrated that he is an interested party and had standing to bring his Motion or this related Appeal. Even assuming *arguendo* that HALL had standing as an interested party to contest the Special Administrator's appointment and/or YEE's actions as a Special Administrator, the Circuit Court properly determined that there was no basis to contest the appointment of the Special Administrator pursuant to the statute, or for HALL to replace

YEE as the Special Administrator. See *infra* at III. B. Thus, the Circuit Court properly denied HALL's Motion. Regarding Point of Error 2, the Circuit Court properly denied HALL's objections to the Special Administrator's representation of the Estate in the Circuit Court Action and Foreclosure Action, as HALL failed to demonstrate that he is an interested party, that there was any wrongdoing on the part of the Special Administrator in either the Circuit Court or Foreclosure Actions, or that any alleged wrongdoing entitles HALL to removal of the Special Administrator pursuant to the statute. See *infra* at III. C. Consequently, the Circuit Court's Decision should be affirmed.

B. Course and Disposition of Proceedings Below

On June 4, 2013, Petitioner BANA filed its Petition for Appointment of Special Administrator ("Petition"), seeking the appointment of a Special Administrator to take action on behalf of the Estate, including action concerning the Property, representing the Estate in the Foreclosure Action, and making an inquiry as to whether there are any other assets of the Estate. See ROA at pp. 12-15. The Petition advised the Circuit Court of possible heirs and devisees: Wayne Thorton, Shirley Coombs, and James Hall. See ROA at p. 13. On July 16, 2013, the Probate Court filed the Order Setting Date, Time, and Place of Hearing on Petition for Appointment of Special Administrator ("Order Setting Hearing on Petition"). See ROA at pp. 24-25. The Order Setting Hearing on Petition directed BANA as the petitioning party to provide notice to "all interested parties" of the hearing "in the manner prescribed in HRS Section 560:1-401 to the persons enumerate in HRS Section 560:3-403..." See ROA at p. 25. On December 4, 2013, an Affidavit of Publication was filed. See ROA at p. 26.

On January 22, 2014, BANA filed an Amendment to Petition for Appointment of Special Administrator. See ROA at pp. 31-32. On January 22, 2014, the Order Granting Petition for

Appointment of Special Administrator was filed, providing that YEE was appointed as Special Administrator. See ROA at pp. 33-34.

On February 11, 2014, YEE's Acceptance of Appointment was filed. See ROA at pp. 35-36. On February 18, 2014, YEE's Letters of Special Administration was filed. See ROA at pp. 37-38.

On June 2, 2016, HALL filed Interested Party James Hall's Motion to Remove Special Administrator and to Surcharge him for Damages to the Estate ("Motion to Remove"). See ROA at pp. 43-97. The Motion to Remove asserted that HALL was not provided notice of the Petition, that he was an interested party, and that YEE should be removed as Special Administrator. See ROA at pp. 46-48. On June 2, 2016, the Order Setting Date, Time and Place of Hearing on Interested Party James Hall's Motion to Remove was filed. See ROA at pp. 98-99. On June 2, 2016, HALL filed a Notice of Hearing on Interested Party James Hall's Motion to Remove. See ROA at pp. 102-103.

On July 5, 2016, YEE filed his Special Administrator of the Estate of Cary Thornton, Opposition to the Motion to Remove. See ROA at pp. 109-130. On July 8, 2016, BANA filed its Reply to the Motion to Remove. See ROA at pp. 135-137.

On July 14, 2016, the hearing on the Motion to Remove came before the Circuit Court. See Transcript of Proceedings of the Hearing on July 14, 2016 ("Hearing Transcript"), filed in the ICA on February 16, 2017. HALL argued that YEE should be removed as Special Administrator because notice was not provided to THORNTON's children or HALL, and the Circuit Court should appoint HALL as Special Administrator. See Hearing Transcript at pp. 3-4. HALL also asserted that THORNTON intended to give HALL some interest in the Property, and HALL expended money to repair the Property. Id. The Circuit Court found that there was no evidence that HALL was an interested party, but indicated that it was possible that HALL may

be a creditor of the Estate. See Hearing Transcript at pp. 6, 17. However, the Circuit Court did not find that HALL was entitled to be appointed a Special Administrator in this case. See Hearing Transcript at pp. 6, 17. Additionally, counsel for YEE argued that the issue HALL raised was that YEE failed to provide notice of the Petition, but this argument lacks merit because HALL lacks standing to contest action—HALL did not establish that he is an interested party, and is a squatter on the Property. See Hearing Transcript at p. 11. BANA’s prior counsel argued that while THORNTON’s daughter and son were not included on the Petition, service by publication was sufficient and no other parties appeared to oppose the appointment of YEE as Special Administrator. See Hearing Transcript at p. 13. The Circuit Court, after hearing additional arguments by HALL, determined that notice by publication was sufficient, and “any notice issue has been cured.” See Hearing Transcript at p. 18.

On August 4, 2016, the Circuit Court entered the Order Denying Interested Party HALL’s Motion to Remove Special Administrator and to Surcharge him for Damages to the Estate filed June 2, 2016 (“Order Denying Motion to Remove”). See ROA at pp. 140-141. On September 9, 2016, the Judgment on the Order Denying Motion to Remove (“Judgment”) and the Notice of Entry of Judgment on the Order Denying Motion to Remove were filed with the Court. See ROA at pp. 145-146. On October 10, 2016, HALL filed the Notice of Appeal to the ICA relating to the Order Denying Motion to Remove and Judgment. See ROA at pp. 149-150.

C. Facts Material to the Appeal

CARY THORNTON (“THORNTON”) executed a promissory note secured by a mortgage, and encumbering the Property. See ROA at p. 13 (referencing BANA’s Foreclosure Action relating to its security interest). On January 13, 2012, BANA filed its Complaint for Mortgage Foreclosure in the First Circuit Court as Civil No. 12-1-000118. See ROA at p. 81; **Appendix A** at p. 4. On July 31, 2012, CARY COOMBS THORNTON (“THORNTON”)

passed away. See ROA 2 (Sealed) at p. 8 (Certificate of Death). On December 7, 2016, BANA’s Motion for Summary Judgment and for Decree of Foreclosure Against all Defendants on Complaint, filed October 1, 2015 (“MSJ”), came before Judge Bert I. Ayabe for hearing, and the Judge Ayabe granted the MSJ. See Appendix A at p. 18. On May 16, 2017, HALL filed a Notice of Appeal from the Findings of Fact, Conclusions of law and Order Granting the MSJ, filed April 20, 2017, which was assigned CAAP No. 17-0000425. See Appendix A at p. 16.

II. STANDARD OF REVIEW

A. Conclusions of Law

“Conclusions of law are reviewed under the right/wrong standard.” In re Estate of Marcos, 88 Haw. 148, 963 P.2d 1124 (S. Ct. 1998), citing Furukawa v. Honolulu Zoological Society, 85 Haw. 7, 12, 936 P.2d 643, 648, reconsideration denied, 85 Haw. 196, 940 P.2d 403 (S. Ct. 1997 (additional citations omitted)). “Under the *de novo* or right/wrong standard, this court ‘examine[s] the facts and answer[s] the question without being required to give any weight to the trial court's answer to it.’” In re Estate of Marcos, 88 Haw. 148, citing Aickin v. Ocean View Inv. Co., Inc., 84 Haw. 447, 453, 935 P.2d 992, 998 (S. Ct. 1997) (ellipsis and internal citations omitted). “ ‘[A] conclusion of law is not binding upon the appellate court and is freely reviewable for its correctness.’” In re Estate of Marcos, 88 Haw. 148, citing Tabieros v. Clark Equipment Co., 85 Haw. 336, 350, 944 P.2d 1279, 1293 (S. Ct. 1997) (citations and internal quotation marks omitted); see also 7's Enterprises, Inc. v. Del Rosario, 111 Haw. 484, 489, 143 P.3d 23, 28 (S. Ct. 2006) (“A conclusion of law is freely reviewable by the appellate court.”).

B. Findings of Fact

“ ‘A [circuit] court's findings of fact are reviewed to see if they are clearly erroneous[.]’” In re Estate of Marcos, 88 Haw. 148, citing Furukawa, 85 Haw. At 12, “ ‘A finding of fact is clearly erroneous when, despite evidence to support the finding, the appellate court is left with

the definite and firm conviction in reviewing the entire evidence that a mistake has been committed.” In re Estate of Marcos, 88 Haw. 148, citing Aickin, 84 Haw. 453, (internal citations omitted).

III. ARGUMENT

A. HALL DOES NOT QUALIFY AS AN INTERESTED PERSON PURSUANT TO HRS 560:1-201, AND LACKS STANDING TO CONTEST THE APPOINTMENT OF THE SPECIAL ADMINISTRATOR.

HALL’s Motion to Remove and the instant Appeal are premised on HALL’s assertions that he is an “interested party.” For the following reasons, HALL has not demonstrated that he is an interested party, and as such, HALL lacks standing to contest the appointment of the Special Administrator or bring this Appeal.

Preliminarily, it is necessary to note that YEE has been appointed as a Special Administrator for the limited purpose of taking action on behalf of the Property, including representing the Estate as to the Foreclosure Action of the Property. See ROA at pp. 12-15, 33-38; HRS § 560:3-614 (“A special administrator may be appointed: (1) Informally by the registrar on the application of any interested person when necessary to protect the estate of a decedent prior to the appointment of a general personal representative or if a prior appointment has been terminated as provided in section 560:3-609; and (2) In a formal proceeding by order of the court on the petition of any interested person and finding, after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act...”); Hawaii Rules of Probate (“HRP”) Rule 56(a) and (b).²

² HRP Rule 56 also provides specific instances where it is appropriate to seek the appointment of a special administrator “where necessary to preserve the estate or to secure its proper administration, including but not limited to situations where: (a) the existence of assets to be probated is uncertain, and an administrator is required to locate or identify assets, including

In order to seek the appointment of a special administrator, an “interested party” must file the petition. See In re Estate of Marcos, 88 Haw. 148, 157, citing HRS § 560:3-614(2) (Supp. 1997). The Hawaii Supreme Court in In re Estate of Marcos elaborated on who an “interested party” is under HRS 560:1-201: “HRS 560:1-201 (Supp. 1997) defines ‘interested person’ as the following: ‘Interested person’ includes heirs, devisees, children, spouses or reciprocal beneficiaries, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person. It also includes persons having priority for appointment as personal representative, and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.” See In re Estate of Marcos, 88 Haw. at 158, quoting HRS § 560:1-201. The petitioner in the Estate of Marcos “had no familial relationship to the Marcos family, did not have a property right or claim against the Marcos Estate, and did not have priority to be appointed as personal representative of the Marcos Estate.” As such, the Hawaii Supreme Court determined that the petitioner “was not an interested person and did not have standing to bring a petition for the appointment of a special administrator for the Marcos Estate in Hawaii, and the circuit court did not err when it denied the Petition for Special Administrator.” See In re Estate of Marcos, 88 Haw. at 158.

investigating the merits of pursuing a lawsuit or claim for relief; or (b) no probate assets exist, but an administrator is necessary either to complete an action of the deceased or to act on behalf of the deceased or the deceased's estate (other than receipt of no-fault insurance benefits), including but not limited to releasing legal or equitable interests of the deceased and executing documents in pending or threatened litigation where the deceased is a defendant...” The Commentary to HRP Rule 56 clarifies that the appointment of a special administrator is for specific, limited purposes, rather than for the purpose of completing an entire probate action without the appointment of a personal representative.

Similar to the petitioner in Estate of Marcos, HALL has no familial relationship to the Thornton family, as HALL stated he was a neighbor and close friend of THORNTON. See Opening Brief at p. 1. HALL does not have a property right or claim against the Estate as he has submitted no evidence establishing an identifiable right or interest in the Property. See Opening Brief at p. 2, ROA at p. 50 (wherein THORNTON vaguely asserted that he had an interest in the Property). Moreover, HALL does not have priority to be appointed as a special administrator or personal representative, and did not address this in his Opening Brief. See In re Estate of Marcos, 88 Haw. at 158. Accordingly, the Circuit Court properly declined to find that HALL is an “interested party.” See Opening Brief, Exhibit H at pp. 6, 17; In re Estate of Marcos, 88 Haw. at 158; HRS § 560:1-201; see also, Labayog v. Labayog, 83 Haw. 412, 421, 927 P.2d 420 (ICA 1996) (distinguished from the instant matter wherein the ICA determined that the petitioner seeking removal of the personal representatives qualified as an interested party as the widow of the decedent).

The Hawaii Supreme Court has stated that the “ ‘crucial inquiry with regard to standing is whether the plaintiff has *alleged such a personal stake in the outcome of the controversy as to warrant his or her invocation of the court's jurisdiction and to justify exercise of the court's remedial powers on his or her behalf.*’” See Kaho'ohanohano v. State, 114 Haw. 302, 318, 162 P.3d 696, 712 (S. Ct. 2007) (emphasis in original), quoting Mottl v. Miyahira, 95 Haw. 381, 389, 23 P.3d 716, 724 (2001) (additional citations omitted). In order to contest a Special Administrator's appointment or actions, the contesting party must also have standing as an “interested party,” which HALL has not established. See e.g., HRS § 560:3-618 (providing that the appointment of a special administrator is subject to termination pursuant to HRS 560:3-608 through 560:3-611); HRS § 560:3-611(a) (“A person *interested* in the estate may petition for removal of a personal representative for cause at any time...” (emphasis added)).

HALL also cannot assert arguments on behalf of THORNTON's possible heirs, who have not appeared or opposed the Petition, because HALL lacks standing to raise arguments on their behalf. See Opening Brief at p. 7 (HALL asserted that THORNTON's heirs were not provided notice of the Petition); see Sherrill v. Estate of Pico, 2134 Haw. 305, 339 P.3d 1106 (ICA 2014) (A mother raised arguments that "the Probate Court's rulings violated her Daughters' rights as beneficiaries of Decedent's estate. However, Sherrill lacks standing and the authority to assert claims on behalf of her adult Daughters. Sherrill is not a lawyer and therefore is not authorized to represent her Daughters' interests on appeal." The ICA determined that the mother "lack[ed] standing to raise any claim as an heir or devisee," but had limited standing "to asserting claims that [were] based on her interests as an alleged creditor of Decedent's estate.").

Moreover, HALL was aware of THORNTON's death well before BANA became aware of the same, but HALL did not attempt to open a probate or administration of the Estate. See Opening Brief at p. 2, ROA at p. 50 (HALL was aware of THORNTON's death around July 31, 2012); ROA at p. 12 (BANA filed the Petition nearly a year after THORNTON's death as an interested party pursuant to HRS § 560:1-201). If HALL could establish that he was an "interested party," HALL would have been able to petition the probate court directly for relief or instructions as to the Property, but failed to do so.

Consequently, HALL has failed to establish that he is an "interested party" and as such, lacks standing to contest the appointment of the Special Administrator, the Special Administrator's actions in the Foreclosure Action, seek his own appointment as a Special Administrator, or bring the instant Appeal from the Order Denying the Motion to Remove.

B. A SPECIAL ADMINISTRATOR CANNOT BE REMOVED WITHOUT CAUSE, AND NO JUST CAUSE EXISTS TO REMOVE YEE AS THE SPECIAL ADMINISTRATOR.

Even assuming *arguendo* that HALL has standing to contest the probate action and appointment of the Special Administrator, there is no basis to remove the Special Administrator in this case. A Special Administrator may be removed for cause. See, HRS § 560:3-618 (“The appointment of a special administrator terminates in accordance with the provisions of the order of appointment or on the appointment of a general personal representative. In other cases, the appointment of a special administrator is subject to termination as provided in sections 560:3-608 through 560:3-611.”); HRS § 560:3-608 - 560:3-611. HALL has not asserted that any of those specific bases for removal apply in this case. In particular, HALL is unable to establish that YEE has “mismanaged the estate or failed to perform any duty pertaining to the office.” HRS § 560:3-611(b).

This case is therefore distinguishable from other cases where courts found that it was appropriate for the probate court to remove the personal representative. See e.g., Kirkland v. Schaff, 391 S.W.3d 649, 653, 658-9 (Tex. App. 2013) (The petitioners sought removal of the personal representative of the estate for mismanagement of the estate, breach of fiduciary duties, and exposure of the estate to potential tax liability. The appellate court agreed that the tax returns evidenced that the income was not properly reported, and upheld the removal of the administrator.)

Additionally, there was no “intentional misrepresent[ion] [of] material facts in the proceeding leading to the appoint[ment]” by the person seeking the Special Administrator’s appointment. HRS § 560:3-611(b). HALL asserts that YEE failed to provide notice to THORNTON’s children and himself, but there is no evidence that BANA or YEH intentionally misrepresented the identity of any potential interested parties. HALL’s argument therefore fails.

C. HALL’S ASSERTION THAT THERE WAS A DUE PROCESS VIOLATION FAILS BECAUSE HALL LACKS STANDING AS HE IS NOT AN INTERESTED PARTY.

The Petition provided notice to the Circuit Court of potential “heirs and devisees,” including HALL. See ROA at p. 13. There was no determination by any court that HALL was, or is, indeed an interested party, and HALL did not provide documents, such as a will, evidencing a current right to possess the Property. However, pursuant to a hearing on a motion for summary judgment in the Foreclosure Action on February 27, 2013, Judge Ayabe stated that the issue of a representative of the Estate and HALL’s assertions may have to be addressed by a probate court. See Appendix A at p. 17. BANA therefore provided notice to the Circuit Court in the Petition that HALL may have a potential interest in THORNTON’s Estate and/or Property. See ROA at p. 13; see e.g. HRS § 560:1-401 (a) (“If notice of a hearing on any petition is required and except for specific notice requirements as otherwise provided, the petitioner shall cause notice of the time and place of hearing of any petition to be given to any *interested* person...” (emphasis added)). While HALL asserts that he was listed as an “interested person” and BANA and YEE are now estopped from “ignor[ing]” HALL’s status, the plain language of the Petition indicates only the possible “heirs and devisees” and does not refer to HALL as an “interested person.” See ROA at p. 13; Opening Brief at p. 7.

As a result of HALL’s lack of standing as he is not an interested person, HALL cannot assert a denial of his due process rights. See Bremner v. City & County of Honolulu, 96 Haw. 134, 139-140 28 P.3d 350 (ICA 2001) (wherein the ICA determined that a party asserting a violation of due process and equal protection rights lacked standing as he could not demonstrate a “personal stake” or “injury in fact”); see also, Keahole Def. Coalition, Inc. v. Bd. of Land & Natural Res., 110 Haw. 419, 421, 134 P.3d 585 (S. Ct. 2006) (wherein the Hawaii Supreme

Court agreed that an entity lacked standing where it “was barred by collateral estoppel and does not have a sufficient property interest to have suffered a due process violation...”).

In this matter, however, HALL has been afforded due process because he was “provided an “opportunity to be heard at a meaningful time and in a meaningful manner.” Kernan v. Tanaka, 75 Haw. 1, 22 (S. Ct. 1993). HALL had the opportunity to present his arguments before the Circuit Court at the hearing on the Motion to Remove. See Hearing Transcript. The Circuit Court considered HALL’s arguments in a meaningful manner, but properly denied the same. See Hearing Transcript at pp. 18-19.

To the extent that BANA could have served HALL with a copy of the Petition and neglected to do so, this issue has been cured because HALL has appeared in the Circuit Court Action, and in the Foreclosure Action. See Hearing Transcript pp. 18-19 (the Circuit Court determined that any notice issues were cured). However, even assuming that BANA did not properly serve HALL, this does not entitle HALL to the relief that he seeks, i.e. removal of YEE as Special Administrator and his replacement as a Special Administrator. In addition to failing to establish standing as an interested party, HALL has also failed to assert any harm as a result of the lack of service of the Petition: There is no evidence or argument that HALL would be entitled to be appointed as a Special Administrator, or that HALL is entitled to reside in or possess the Property.

Accordingly, absent a demonstration of standing as an interested party and some harm, the Order should be affirmed.

IV. CONCLUSION

Based on the foregoing, BANA respectfully urges this Court to affirm the Circuit Court Decision.

[SIGNATURE PAGE FOLLOWS]

DATED: Honolulu, Hawaii, July 10, 2017.

/s/ Charles R. Prather

CHARLES R. PRATHER
Attorney for Respondent-Appellee
BANK OF AMERICA, N.A.

APPENDIX A

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: 1C05	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: R	
Attorney Seq: 3	Attorney Name: MARUSHIGE, MELISSA TOSHIKO		
Attorney I.D.: A9889	Type: PV	Status: R	
Attorney Seq: 4	Attorney Name: KONDO, ZACHARY KEKUANUI		
Attorney I.D.: A9185	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 Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 01/13/2012 14:30 Case Folder Pg:
Seq: 2	Document Title: COMPLAINT FOR MORTGAGE FORECLOSURE; EXHS A, 1-3; SUMMONS (CASE ASSIGNED TO JUDGE AYABE)
Doc Type: CMP Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 01/13/2012 14:30 Case Folder Pg:
Seq: 3	Document Title: NOTICE OF PENDENCY; EXH A
Doc Type: Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 01/13/2012 14:32 Case Folder Pg:
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 Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 03/20/2012 14:48 Case Folder Pg:
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: Filing Party: RANA, MANMEET Volume Number: Comments:	Date/Time: 03/21/2012 15:06 Case Folder Pg:
Seq: 6	Document Title: NOTICE OF PAYMENT OF FEES (\$200) (PD 04/09/12)
Doc Type: NPF Filing Party: FILED BY COURT, COURT Volume Number: Comments:	Date/Time: 04/09/2012 15:22 Case Folder Pg:
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: Filing Party: PRO SE Volume Number: Comments:	Date/Time: 04/09/2012 15:22 Case Folder Pg:
Seq: 8	Document Title: DEFENDANT CARY THORNTON'S COUNTERCLAIM; ACKNOWLEDGMENT; DEMAND FOR JURY TRIAL; C/S
Doc Type: Filing Party: PRO SE Volume Number: Comments:	Date/Time: 04/13/2012 12:33 Case Folder Pg:
Seq: 9	Document Title: ADDITIONAL CLAIMS INFORMATION SHEET
Doc Type: ACIS Filing Party: TAKAMIYA, CORI ANN CHIEKO Volume Number: Comments:	Date/Time: 04/25/2012 15:46 Case Folder Pg:

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 COUNTERCLAIMAGAINST PLTF BANK OF AMERICA, N A SUCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP; DEFT CENTRALPACIFIC BANK'S CROSS-CLAIM AGAINST ALL DEFTS; DEFTCENTRAL 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 CENTRALPACIFIC BANK'S CROSS-CLAIM AGAINST ALL DEFTS; DEFTCENTRAL 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:	Date/Time: 05/10/2012 13:18
Filing Party: RANA, MANMEET	
Volume Number:	Case Folder Pg:
Comments:	

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 CEMTRAL 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: Filing Party: TAKAMIYA, CORI ANN CHIEKO Volume Number: Comments: SPINNAKER ISLE ASSN	Date/Time: 08/03/2012 09:37 Case Folder Pg:
Seq: 25	Document Title: CERTIFICATE OF SERVICE
Doc Type: CS Filing Party: TAKAMIYA, CORI ANN CHIEKO Volume Number: Comments:	Date/Time: 08/14/2012 13:42 Case Folder Pg:

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: Filing Party: RANA, MANMEET Volume Number:	Date/Time: 01/28/2013 13:29 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: Filing Party: RANA, MANMEET Volume Number:	Date/Time: 01/28/2013 13:29 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: Filing Party: OTHER Volume Number:	Date/Time: 02/26/2013 13:13 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: Filing Party: TAKAMIYA, CORI ANN CHIEKO Volume Number:	Date/Time: 03/25/2013 10:46 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: Filing Party: TAKAYAMA, JILL JULIE REIKO Volume Number:	Date/Time: 03/28/2013 11:08 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 Filing Party: TAKAMIYA, CORI ANN CHIEKO Volume Number:	Date/Time: 04/02/2013 13:37 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: Filing Party: CHAPMAN, ROBERT E Volume Number:	Date/Time: 08/12/2013 11:22 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:	
Seq: 97	Document Title: FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE AGAINST ALL DEFENDANTS ON COMPLAINT FILED JANUARY 13, 2012; EXH A
Doc Type:	Date/Time: 04/20/2017 08:01
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 98	Document Title: JUDGMENT ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE AGAINST ALL DEFENDANTS ON COMPLAINT FILED JANUARY 13, 2012
Doc Type:	Date/Time: 04/20/2017 08:02
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 99	Document Title: NOTICE OF ENTRY OF JUDGMENT ON FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT & DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT, ETC
Doc Type:	Date/Time: 04/20/2017 08:03
Filing Party: IWAMURA, STEVEN TAKAO	
Volume Number:	Case Folder Pg:
Comments:	

Seq: 100	Document Title: WITHDRAWAL AND SUBSTITUTION OF COUNSEL FOR PLTF BANK OF AMERICA NA ETC; ORDER; CONSENT OF REPRENTED PARTY; C/S
Doc Type: WSUB	Date/Time: 05/16/2017 09:55
Filing Party: KONDO, ZACHARY KEKUANUI	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 101	Document Title: INTEREST PARTY JAMES HALL'S MOTION FOR STAY PENDING APPEAL OF THIS COURT'S: 1) FINDINGS OF FACT CONC OF LAW AND ORDER GRANTING PLTF'S MOTION FOR SUMMARY JUDGMENT & DECREE OF FORECLOSURE AGAINST ALL DEFTS ON COMPLAINT FILED 1-13-12, FILED 4-20-17; MEMO IN SUPPORT OF MOTION; DEC OF GARY V DUBIN; NOTICE OF HEARING OF MOTION; C/S
Doc Type:	Date/Time: 05/22/2017 10:04
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments: AGAINST ALL DEFTS ON COMPLAINT FILED 1-13-12, FILED 4-20-17; MEMO IN SUPPORT OF MOTION; DEC OF GARY V DUBIN; NOTICE OF HEARING OF MOTION; C/S	
Seq: 102	Document Title: COPY OF INTERESTED PARTY JAMES HALL'S NOTICE OF APPEAL ON STATUTORY, JURISDICTIONAL & CONSTITUTIONAL DUE PROCESS GROUNDS TO THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII; C/S FILED MAY 16, 2017 IN ICA CAAP-17-0000425
Doc Type: CNOA	Date/Time: 05/29/2017 13:32
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments: FILED MAY 16, 2017 IN ICA CAAP-17-0000425	
Seq: 103	Document Title: COPY OF CIVIL APPEAL DOCKETING STATEMENT FILED 06/06/2017 IN ICA CAAP-17-0000425
Doc Type: CCADS	Date/Time: 07/03/2017 15:18
Filing Party: DUBIN, GARY VICTOR	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 104	Document Title: RECORD ON APPEAL (PART 1 OF 3) (ICA CAAP-17-0000425)
Doc Type: ROA	Date/Time: 07/05/2017 11:06
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 105	Document Title: RECORD ON APPEAL (PART 2 OF 3) (ICA CAAP-17-0000425)
Doc Type: ROA	Date/Time: 07/05/2017 11:07
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	
Seq: 106	Document Title: RECORD ON APPEAL (PART 3 OF 3) (ICA CAAP-17-0000425)
Doc Type: ROA	Date/Time: 07/05/2017 11:07
Filing Party: FILED BY COURT, COURT	
Volume Number:	Case Folder Pg:
Comments:	

Court Minutes List

Seq: 1	App Desc: ASSIGNED CIVIL CALENDAR
App Type: ACC Date/Time: 01/13/2012 CTRM: Judge I.D.: JJCASTAGNE Minutes: 01/05/2017: REASSIGN TO J CASTAGNETTI 4/19/2017: FOF/COL, JDMT, NEJ PROCESSED	Loc: 1C05 Phase: Cal Type: AC Video No.:
	Type: AC App Disp: DOC Priority: 0 Audio No.:
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 Date/Time: 02/27/2013 09:00 CTRM: Judge I.D.: JBAYABE 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.	Loc: 1C21 Phase: Cal Type: CM Video No.:
	Type: CM App Disp: WDW Priority: 24 Audio No.:
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 Date/Time: 03/19/2013 09:30 CTRM: Judge I.D.: JBAYABE Minutes: ***** 02/27/13: HEARING ON 02/27/13 FOR PLTF'S MOTION FOR SUMMARY JUDGMENT, MR. HALL REQUESTED HIS MOTION TO BE WITHDRAWN	Loc: 1C21 Phase: Cal Type: CM Video No.:
	Type: CM App Disp: WDW Priority: 90 Audio No.:
Seq: 4	App Desc: COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS (P MCHENRY)
App Type: MOT Date/Time: 10/14/2014 09:30 CTRM: Judge I.D.: JBAYABE Minutes: BY AGRMT OF PTYS, MATTER RSC TO 11/18/2014.	Loc: 1C21 Phase: Cal Type: CM Video No.:
	Type: CM App Disp: RSC Priority: 27 Audio No.:
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 Date/Time: 10/23/2014 09:00 CTRM: Judge I.D.: JBAYABE 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.	Loc: 1C21 Phase: Cal Type: CM Video No.:
	Type: CM App Disp: GRT Priority: 12 Audio No.:
Seq: 6	App Desc: COUNTERCLAIM DEFT'S MOTION FOR JUDGMENT ON THE PLEADINGS (P MCHENRY) (FM: 10/14)
App Type: MOT Date/Time: 11/18/2014 09:30 CTRM: Judge I.D.: JBAYABE 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.	Loc: 1C21 Phase: Cal Type: CM Video No.:
	Type: CM App Disp: GRT Priority: 27 Audio No.:

Seq: 7	App Desc: PLTF'S NON-HRG MOTION TO IDENTIFY HAWAII KAI MARINA COMMUNITY ASSN & SPINNAKER ISLE ASSN AS DOE ENTITIES 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 REMOVE 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.		

Seq: 12	App Desc: JAMES HALL'S MOTION FOR STAY PENDING APPEAL OF 04/20/17 (1) FOF, ETC, (2) JUDGMENT ETC (G DUBIN)		
App Type: MOT	Loc: 1C05	Type: CM	
Date/Time: 08/15/2017 09:30	Phase:	App Disp:	
CTRM:	Cal Type: CM	Priority: 0	
Judge I.D.: JJCASTAGNE	Video No.:	Audio No.:	
Minutes:			

COUNTER-STATEMENT OF RELATED CASES

1. Bank of America, N.A. v. Cary Thornton, et al., Hawaii First Circuit Court, 12-1-000118, initiated January 13, 2012 (Foreclosure Action).
2. James Hall v. Bank of America, N.A. et al., Intermediate Court of Appeals, CAAP No. 17-0000425, initiated May 16, 2017 (Appeal from the Foreclosure Action).

CAAP-16-0000669

IN THE INTERMEDIATE COURT OF APPEALS

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.

CIVIL NO. 13-1-0360
(Probate)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has been served on the following party either electronically through the Hawaii Judiciary Electronic Filing and Service System or via U.S. mail at her last known address as shown below:

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DATED: Honolulu, Hawaii, July 10, 2017.

/s/ Charles R. Prather
CHARLES R. PRATHER