

NO. 23211

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

REALTY FINANCE, INC.,) CIV. NO. 97-1235

Plaintiff-Appellee,)

v.)

THOMAS FRANK SCHMIDT; LORINNA)
JHINCIL SCHMIDT; KALOKO TWO)
PARTNERSHIP, a Hawai'i limited)
partnership; AMERASIAN LAND)
CO., a Nevada corporation;)
ASSOCIATION OF APARTMENT OWNERS)
OF THE MARCO POLO APARTMENTS,)
an unincorporated condominium)
association; LAWHN & KEEVER, a)
law corporation; JOHN RAPP;)
DOUGLAS J. IGE; INVESTORS)
FINANCE, INC., a Hawai'i)
corporation; STATE OF HAWAI'I by)
and through the Chief, Oahu)
Collection Branch; JOHN DOES 1-)
50; JANE DOES 1-50; DOE)
PARTNERSHIPS 1-50; DOE)
CORPORATIONS 1-50; DOE ENTITIES)
1-50; and DOE GOVERNMENTAL)
UNITS 1-50,)

Defendants.)

TURLINGTON CORPORATION as)
Successor in Interest to)
Defendant John Rapp,)

Party-In-Interest-)
Appellant.)

[ORDER DISMISSING APPEAL]

ORDER DISMISSING APPEAL

Upon review of the record, it appears that: (1) the appeal of the January 31, 2000 order approving distribution of proceeds is an appeal from the second part of the foreclosure case filed in Civil No. 97-1235; (2) the second part of the foreclosure case has not been finally decided inasmuch as an order distributing the surplus proceeds or otherwise finally ending all matters incidental to enforcement of the February 24, 1998 judgment of foreclosure has not been entered; see Sturkie v. Han, 2 Haw. App. 140, 146-47, 627 P.2d 296, 301-02 (1981); Hoge v. Kane I, 4 Haw. App. 246, 247, 663 P.2d 645, 647 (1983); and, thus, (3) the appeal of the January 31, 2000 order is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 20, 2000.

RONALD T.Y. MOON, Chief Justice

STEVEN H. LEVINSON, Associate Justice

PAULA A. NAKAYAMA, Associate Justice

MARIO R. RAMIL, Associate Justice

SIMEON R. ACOBA, JR., Associate Justice