

NO. 23388

IN THE SUPREME COURT OF THE STATE OF HAWAII

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UNION PLANTERS NATIONAL BANK, Plaintiff-Appellee

vs.

JOHN K. LAIMANA, JR., and AMORIANN L. LAIMANA,  
Defendants-Appellants

and

UNITED STATES OF AMERICA; et al., Defendants

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 97-4707)

ORDER DISMISSING APPEAL  
(By: Moon, C.J., Levinson,  
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the appeal of the denial of the March 24, 2000 motion to set aside the foreclosure judgment is an appeal from the second part of the foreclosure case filed in Civil No. 97-4707; (2) the second part of the foreclosure case has not been finally decided inasmuch as the foreclosure sale and other matters incidental to enforcement of the foreclosure judgment have not been completed; see Hoge v. Kane I, 4 Haw. App. 246, 247, 663 P.2d 645, 647 (1983); and, thus, (3) this appeal 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, August 28, 2000.