

NO. 23540

IN THE SUPREME COURT OF THE STATE OF HAWAII

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

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

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of the motion for reconsideration of the August 28, 2000 order dismissing appeal, the papers in support and the record, it appears that: (1) the April 24, 2000 and June 23, 2000 notices of appeal, if intended to appeal the September 10, 1999 judgment of foreclosure, were untimely appeals of the judgment of foreclosure; see Security Pacific Mortgage Corp. v. Miller, 71 Haw. 65, 783 P.2d 855 (1989) (an appeal from a judgment of foreclosure must be filed within thirty days after the judgment is entered); and (2) the time for appealing the September 10, 1999 judgment of foreclosure was not extended by the March 24, 2000 motion for relief under HRCF 60(b) filed more than ten days after the judgment was entered; see HRAP 4(a)(3); Simpson v. Dept. of Land & Natural Resources, 8 Haw. App. 16, 21, 791 P.2d 1267, 1271 (1990) (a motion for relief from a judgment

under Rule 60(b) tolls the time for appealing the judgment if the motion is filed within ten days after the judgment is entered). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, September 12, 2000.

John K. Laimana, Jr. and
Amoriann L. Laimana,
defendants-appellants,
on the motion.