

NO. 23762

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BANKERS TRUST COMPANY AS TRUSTEE OF AMRESKO RESIDENTIAL
SECURITIES CORPORATION MORTGAGE LOAN TRUST 1998-1 UNDER THE
POOLING & SERVICING AGREEMENT DATED AS OF FEBRUARY 1, 1998,
Plaintiff-Appellee

vs.

SERAPHIN CARL BOLOSAN, and GERALDINE KEHAULANI BOLOSAN,
Defendants-Appellants

and

MOMILANI COMMUNITY ASSOCIATION, Defendant-Appellee

and

JOHN and MARY DOES 1-20, DOE PARTNERSHIPS, CORPORATIONS or OTHER
ENTITIES 1-20, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 98-4609)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that: (1) the filing of the petitions for bankruptcy by appellant Seraphin Bolosan on August 25, 2000 and by appellant Geraldine Bolosan on September 15, 2000 operated as a stay of the continuation of Civil No. 98-4609; see 11 U.S.C. § 362; (2) the bankruptcy stay applied to appellants' appeal of the August 24, 2000 order confirming the foreclosure sale and the August 24, 2000 writ of possession; (3) the appeal of the confirmation order and writ of possession was filed while the bankruptcy stay was in effect and the September 25, 2000 notice of appeal is invalid; cf. Island Insurance Co., Inc. v. Santos, 86 Hawai'i 363, 366, 949 P.2d 203, 206 (App. 1997); (4) even if the September 25, 2000 notice of appeal is not invalid, the appeal of the confirmation order and

writ of possession is premature because a deficiency judgment has not been entered; see Hoge v. Kane I, 4 Haw. App. 246, 247, 663 P.2d 645, 647 (1983); and thus, (5) we lack jurisdiction over this appeal. Therefore,

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

DATED: Honolulu, Hawai'i, June 12, 2002.