

*** NOT FOR PUBLICATION ***

NO. 25900

IN THE SUPREME COURT OF THE STATE OF HAWAII

BANKERS TRUST COMPANY OF CALIFORNIA N.A. AS CUSTODIAN OR TRUSTEE,
Plaintiff-Appellee

vs.

HERMINIGILDO OCUMIN CAOAGDAN, VIRGILIA ANDRADA CAOAGDAN,
MERLE CAOAGDAN DE MOTTA, Defendants-Appellants

and

HOUSEHOLD FINANCE CORPORATION OF HAWAII, JOHN & MARY DOES 1-20,
DOE PARTNERSHIPS, CORPORATIONS OR OTHER ENTITIES 1-20, Defendants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 98-0607)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the matter of the disbursement of the fire insurance proceeds is a matter incident to enforcement of the April 17, 2001 judgment of foreclosure. The matter is appealable upon entry of a deficiency judgment or an order finally ending the foreclosure case. See HRS § 667-__ (a) (Act 89 Session Laws 2003); Sturkie v. Han, 2 Haw. App. 140, 146-147, 627 P.2d 296, 301-302 (1981); Hoge v. Kane I, 4 Haw. App. at 247, 663 P.2d at 647. Until a deficiency judgment or an order finally ending the foreclosure case is entered, the

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appeal of the May 20, 2003 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, November 25, 2003.