

NO. 26351

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

BANK OF HAWAI'I, Plaintiff-Appellee,

vs.

LAKEVIEW HOME, INC., EDWARD AGUAS ALQUERO, and ARLENE TOLENTINO
ALQUERO, Defendants-Appellants,

and

DEPARTMENT OF TAXATION, STATE OF HAWAI'I; DIRECTOR OF BUDGET AND
FISCAL SERVICES, CITY AND COUNTY OF HONOLULU, Defendants-
Appellees,

and

JOHN DOES 1-50; DOE ENTITIES 1-50, Defendants.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-0998)

ORDER GRANTING APPELLANTS' MOTION TO
DISMISS APPEAL WITHOUT PREJUDICE AS MOOT

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

Upon consideration of Defendants-Appellants' motion to dismiss their appeal as moot, the papers in support, and the records and files herein, it appears that: (1) Appellants are appealing from the order and judgment granting a motion for confirmation of sale, for a deficiency judgment, for writ of possession; (2) on June 2, 2004, the circuit court entered an order granting Plaintiff-Appellee Bank of Hawaii's motion to cancel the sale and to set aside the judgment; and (3) inasmuch as the circuit court issued an order vacating and setting aside the judgment and order confirming sale, which are the subject of this appeal, and Appellants no longer wish to pursue the instant appeal.

IT IS HEREBY ORDERED that Appellants' motion to dismiss appeal is granted, and this appeal is dismissed pursuant to HRAP Rule 42(b). The parties shall bear their own fees and costs.

DATED: Honolulu, Hawai'i, July 27, 2004.

Gary Victor Dubin,
for appellants on
the motion