

NO. 26690

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CHASE MORTGAGE COMPANY-WEST, Plaintiff-Appellee

vs.

JAMES C. BUFALINI, JR., and MARY ANN BUFALINI, also known
as MARY ANN V. BUFALINI, also known as MARYANNE V. BUFALINI,
Defendants-Appellants

and

CITY BANK, UNITED STATES OF AMERICA, RELIABLE COLLECTION
AGENCY, LTD., MARINER'S VALLEY TWO MAINTENANCE ASSOCIATION,
and DIRECTOR OF DEPARTMENT OF TAXATION OF THE STATE OF HAWAI'I,
Defendants-Appellees

and

BANK OF HAWAII, JOHN DOES 1-50, JANE DOES 1-50,
DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50, DOE
ENTITIES 1-50 and DOE GOVERNMENTAL UNITS 1-50,
Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-2786)

ORDER

(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: (1) Appellants are
appealing from the order approving the report of Commissioner's
sale of property at public auction, directing distribution of
proceeds, for a writ of possession and for disposal of personal
property and subsequent judgment; (2) on September 14, 2004, the
circuit court entered an order granting Plaintiff-Appellee Chase

Mortgage Company West's motion for cancellation of the sale;
(3) inasmuch as the circuit court issued an order setting aside
the sale or property that is the subject of this appeal,
Appellants no longer wish to pursue their appeal. Therefore,

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

DATED: Honolulu, Hawai'i, October 18, 2004.

Gary Victor Dubin
for defendants-appellants
on the motion