

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26716

IN THE SUPREME COURT OF THE STATE OF HAWAII

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SURETY KOHALA CORPORATION, a Hawaii corporation,  
Plaintiff-Appellee

vs.

HEIRS OF ASSIGNS OF KAHALEOLE (W); HEIRS OR ASSIGNS OF NAMAKA (K); HEIRS OR ASSIGNS OF IOBA KEALINA (K); HEIRS OR ASSIGNS OF KEALINA (K); HEIRS OF ASSIGNS OF KOLEKA (W); ALSO KNOWN AS KOLEKA KEALINA, HEIRS OR ASSIGNS OF SAMUEL NAKAIKUAHINE KEALINA; HEIRS OR ASSIGNS OF PAUL KANAINA KAELEMAKULE; HEIRS OR ASSIGNS OF MALAEA APANA (W); JOHN G. LINCOLN TRUSTEE, WATER COMMISSION OF THE COUNTY OF HAWAII; HAWAIIAN ELECTRIC LIGHT COMPANY; INC.; VERIZON HAWAII, INC.; STATE OF HAWAII; COUNTY OF HAWAII; the following owners or occupants of adjoining lands; BRUNO CONDO c/o BEN M. BRUNO & ELMA V. BRUNO; TIME WARNER ENTERTAINMENT COMPANY, L.P.; HELECONIA CONDOMINIUM PROJECT; AGNES POBRE; Heirs of persons named above who are deceased, or persons holding under said Heirs and spouses, assigns, successors, personal representatives, executors, administrators, and trustees of persons named above who are deceased; DOES 1 through 100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO WHOM IT MAY CONCERN,  
Defendants-Appellees

and

CHARLES L. NAONE and CHARLITA L. MAHOE, Defendants-Appellants

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CIV. NO. 01-1-0329)

ORDER DISMISSING APPEAL

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

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that Civil No. 01-1-0329 has not been resolved as to the claim to partition Grant 742. The June 22, 2004 order finally deciding the claim to quiet title to Grant 1545 was not reduced to a separate judgment certified under HRCF 54(b). See HRCF 54(b) and 58; Jenkins v. Cades

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Schutte Fleming & Wright, 76 Hawaii 115, 119, 869 P.2d 1334, 1338 (1994) (an order that resolves some, but not all claims in a circuit court action is not appealable unless the order is reduced to separate judgment certified under HRCP 54(b)). Thus, the appeal of the June 22, 2004 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 4, 2004.