

NOT FOR PUBLICATION

NO. 25046

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

FEDERAL HOME LOAN MORTGAGE CORPORATION,
Plaintiff-Appellee, v.
ROMEO RAGASA RAMOLETE and REBECCA COMESARIO
RAMOLETE, Defendants-Appellants,
and
JOHN and MARY DOES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIVIL NO. 02-1-0032)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., and Foley, J.;
Lim, J. concurring separately)

Defendants-Appellants Romeo Ragasa Ramolete and Rebecca Comesario Ramolete (collectively, the Ramoletes) appeal the "Order Granting Plaintiff's Motion for Summary Judgment, and for Writ of Ejectment Against Defendants Romeo Ragasa Ramolete and Rebecca Comesario Ramolete Filed 02/6/02," the Judgment, and the Writ of Ejection, all filed on March 11, 2002 in the Circuit Court of the First Circuit (circuit court).¹

On appeal the Ramoletes argue that (1) the circuit court erred by granting Federal Home Loan Mortgage Corporation's (FHLM) "Motion for Summary Judgment and for Writ of Ejectment

¹The Honorable Karen N. Blondin presided.

Against Defendants Romeo Ragasa Ramolete and Rebecca Comesario Ramolete" because FHLM failed to plead and provide evidence that the Ramoletes had defaulted on their mortgage; and (2) the Ramoletes' mortgage was a contract of adhesion, which is unenforceable.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we resolve the Ramoletes' points of error as follows:

(1) The Ramoletes contend the circuit court erred by granting summary judgment in favor of FHLM. The circuit court did not so err because the Ramoletes failed to raise the issue in the circuit court and, thus, the issue will not be considered on appeal. Kawamata Farms, Inc. v. United Agri Prods., 86 Hawai'i 214, 248, 948 P.2d 1055, 1089 (1997).

(2) The Ramoletes contend that their mortgage was a contract of adhesion and was unenforceable. The Ramoletes failed to raise this issue in the circuit court, and the issue will not be considered on appeal. Id.

Therefore,

IT IS HEREBY ORDERED that the "Order Granting Plaintiff's Motion for Summary Judgment, and for Writ of Ejectment Against Defendants Romeo Ragasa Ramolete and Rebecca Comesario Ramolete Filed 02/6/02," the Judgment, and the Writ of

NOT FOR PUBLICATION

Ejection, all filed on March 11, 2002 in the Circuit Court of the First Circuit are affirmed.

DATED: Honolulu, Hawai'i, February 4, 2003.

On the briefs:

Gary Victor Dubin
for defendants-appellants.

Chief Judge

Robert E. Chapman,
Mary Martin
(Stanton Clay Chapman
Crumpton & Iwamura),
for plaintiff-appellee.

Associate Judge

CONCURRING OPINION BY LIM, J.

I concur in the result.

Associate Judge