

**NOT FOR PUBLICATION**

---

NO. 25309

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

FEDERAL HOME LOAN MORTGAGE CORPORATION,  
Plaintiff-Appellee, v.  
HARRY IKEDA and JOHN and MARY DOES 1-10,  
Defendants-Appellees

APPEAL FROM THE FIFTH CIRCUIT COURT  
(CIVIL NO. 01-1-0196)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim and Foley, JJ.)

Defendant-Appellant Harry Ikeda (Ikeda) appeals the "Order Granting Plaintiff Federal Home Loan Mortgage Corporation's Motion for Summary Judgment as to All Defendants, Filed June 27, 2002" filed on August 29, 2002, and the Judgment filed on September 16, 2002 in the Circuit Court of the Fifth Circuit (circuit court).<sup>1</sup>

On appeal, Ikeda contends the circuit court erred by granting Federal Home Loan Mortgage Corporation's (FHLMC) Motion for Summary Judgment. Ikeda argues that Hawaii Revised Statutes (HRS) § 667-1 et seq. violates his constitutional right to due process and equal protection.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to

---

<sup>1</sup> The Honorable George M. Masuoka presided.

the arguments advanced and the issues raised by the parties, we conclude Ikeda's points of error have no merit.

Ikeda contends the circuit court erred because the foreclosure process under HRS § 667-1 violated his right to due process. Assuming, arguendo, the due process clause of the federal or state constitutions applied, we conclude there was no due process violation. Ikeda had notice and an opportunity to be heard. Bank of Hawaii v. Kunimoto, 91 Hawai'i 372, 388, 984 P.2d 1198, 1214 (1999) ("The basic elements of procedural due process of law require notice and an opportunity to be heard at a meaningful time and in a meaningful manner.").

Ikeda contends he was denied equal protection of the laws because he was subjected to foreclosure by action pursuant to HRS § 667-1 instead of foreclosure by power of sale pursuant to HRS § 667-21 et seq. Because there is no suspect classification or fundamental right at issue in the legislature enacting optional foreclosure procedures, we inquire as to whether these two optional procedures further a "legitimate state interest." Estate of Coates v. Pac. Eng'g, 71 Haw. 358, 364, 791 P.2d 1257, 1260 (1990). We conclude they do.

Therefore,

IT IS HEREBY ORDERED that the "Order Granting Plaintiff Federal Home Loan Mortgage Corporation's Motion for Summary Judgment as to All Defendants, Filed June 27, 2002" filed on

**NOT FOR PUBLICATION**

---

August 29, 2002, and the Judgment filed on September 16, 2002 in the Circuit Court of the Fifth Circuit are affirmed.

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

On the briefs:

Harry Ikeda,  
defendant-appellant pro se.

Acting Chief Judge

Lisa H. Andrews  
(Andrews & Yamamoto)  
for plaintiff-appellee.

Associate Judge

Associate Judge