

NOS. 27659 AND 27833

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

NO. 27659

143 NENUE HOLDINGS, LLC, a Hawaii limited liability company,
Plaintiff-Appellee, v. SUZANNE BONDS, aka Suzanne Duong
Bonds, Defendant-Appellant

SUZANNE BONDS, Counterclaimant-Appellant v. 143 NENUE
HOLDINGS, LLC, a Hawaii limited liability company,
Counterclaim Defendant/Crossclaimant-Appellee, and
AMERIQUEST MORTGAGE COMPANY, a Delaware corporation,
Additional Counterclaim Defendant/Crossclaim Defendant-
Appellee and RONALD G.S. AU; RYAN G.S. AU; and NATALIE
AU, Additional Counterclaim Defendants-Appellees, and
FREDDIE FRANCO; ALALA MANAGEMENT, LLC, a Hawaii limited
liability company; and DOE 1 THROUGH 20, Additional
Counterclaim Defendants

AND

NO. 27833

143 NENUE HOLDINGS, LLC, a Hawaii limited liability company,
Plaintiff-Appellee, v. SUZANNE BONDS, aka Suzanne Duong
Bonds, Defendant-Appellant

SUZANNE BONDS, Counterclaimant-Appellant v. 143 NENUE
HOLDINGS, LLC, a Hawaii limited liability company,
Counterclaim Defendant/Crossclaimant-Appellee, and
AMERIQUEST MORTGAGE COMPANY, a Delaware corporation,
Additional Counterclaim Defendant/Crossclaim Defendant-
Appellee and RONALD G.S. AU; RYAN G.S. AU; and NATALIE
AU, Additional Counterclaim Defendants-Appellees, and
FREDDIE FRANCO; ALALA MANAGEMENT, LLC, a Hawaii limited
liability company; and DOE 1 THROUGH 20, Additional
Counterclaim Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 05-1-0377)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Lim and Fujise, JJ.)

Defendant-Counterclaimant-Appellant Suzanne Bonds

(Bonds) appeals, in 27659, from the November 10, 2005 final

EM RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2007 JAN 19 AM 8:08

FILED

judgment entered by the Circuit Court of the First Circuit (circuit court)¹ in favor of Plaintiff-Counterclaim Defendant/Crossclaimant-Appellee 143 Nenuue Holdings, LLC (Nenuue) and Additional Counterclaim Defendant/Crossclaim Defendant-Appellee Ameriquest Mortgage Company (Ameriquest) and in 27833, from the February 21, 2006 and March 16, 2006 orders expunging Bonds's Notice of Pendency of Action.² After a careful review of the issues raised, arguments advanced, the law relied upon and the respective records, we resolve Bonds's points on appeal as follows.

In 27659, Bonds has failed to show error in the circuit court's grant of summary judgment and consequent entry of judgment in Nenuue and Ameriquest's favor. In light of Aames Funding Corp. v. Mores, 107 Hawai'i 95, 110 P.3d 1042 (2005) and Hawaii Revised Statutes § 501-118 (Supp. 2005), Nenuue was entitled to judgment as a matter of law as Bonds failed to successfully impeach the foreclosure action before a certificate of title had been issued in Nenuue's favor.

¹ The Honorable Karen S.S. Ahn presided.

² Appeal No. 27833 was dismissed as moot by order entered on January 18, 2007.

Therefore,

IT IS HEREBY ORDERED that the Circuit Court of the First Circuit's November 10, 2005 final judgment in Appeal No. 27659 is affirmed.

DATED: Honolulu, Hawai'i, January 19, 2007.

On the briefs:

Gary V. Dubin
for Defendant-Counterclaimant-
Appellant.



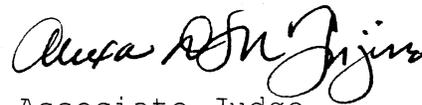
Presiding Judge

Wayne Nasser,
Kirk W. Caldwell, and
Michael R. Vieira,
(Asford & Wriston)
for Plaintiff-Counterclaim
Defendant/Crossclaimant-
Appellee



Associate Judge

Jade Lynne Ching,
Laura P. Couch,
(Alston Hunt Floyd & Ing),
for Additional Counterclaim
Defendant/Crossclaim
Defendant-Appellee



Associate Judge