

FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

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NO. 26881

INDYMAC BANK, Plaintiff-Appellee, v. VIC GARO MIGUEL and ESTRELLA GARIN MIGUEL, Defendants-Appellants, and AMERICAN SAVINGS BANK, F.S.B.; HAWAIIUSA FEDERAL CREDIT UNION, FKA OAHU EDUCATIONAL EMPLOYEES FEDERAL CREDIT UNION; NEWTOWN ESTATES COMMUNITY ASSOCIATION; DIRECTOR, DEPARTMENT OF TAXATION, STATE OF HAWAI'I, Defendants, and JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10 and DOE GOVERNMENTAL UNITS 1-10, Defendants

AND

NOS. 27406 and 27561

INDYMAC BANK, F.S.B., Plaintiff-Appellee, v. VIC GARO MIGUEL and ESTRELLITA GARIN MIGUEL, Defendants-Appellants and AMERICAN SAVINGS BANK, F.S.B.; HAWAIIUSA FEDERAL CREDIT UNION, FKA OAHU EDUCATIONAL EMPLOYEES FEDERAL CREDIT UNION; DIRECTOR, DEPARTMENT OF TAXATION, STATE OF HAWAI'I, Defendants-Appellees, and NEWTOWN ESTATES COMMUNITY ASSOCIATION; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10 AND DOE GOVERNMENTAL UNITS 1-10, Defendants

NOS. 26881, 27406, AND 27561

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 03-1-0715)

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 JUL 17 AM 10:29

FILED

ORDER OF CORRECTION

(By: Fujise, J.¹)

In the above-entitled appeal, the Opinion of the court filed on May 9, 2008, is hereby corrected as follows:

1. On page 1, the beginning of the first sentence at the bottom of the page, the party should be "Defendants-

¹ Watanabe, Presiding Judge, Foley and Fujise, JJ.

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Appellants" not "Plaintiff-Appellants" so that as corrected, the text should read as follows: "Defendants-Appellants Vic Garo Miguel and Estrellita"

2. On page 8, second paragraph after heading B, fourth line down, the comma after pin cite "586" should be deleted so that as corrected the text should read as follows: "P. U. Ry. Co., 270 U.S. 580, 586 (1926);"

3. On page 12, first full paragraph, fourth line down, 7th word in, the word should be "Hawai'i" not "Hawaiian" so that as corrected, the text should read as follows: "that the touchstone for standing in Hawai'i courts"

4. On page 12, second full paragraph, third line down, the second to the last word should be "monies" not "moneys" so that as corrected, the text should read as follows: "constitutional and statutory violations resulting in monies"

5. On page 12, second full paragraph, sixth line down, the Pacific Reporter should be "P.3d" not "P.2d" so that as corrected, the text should read as follows: "Id., at 310, 162 P.3d"

6. On page 12, last line, the semi colon after "320-21" should be replaced with a comma so that as corrected, the text should read as follows: "Id. at 320-21, 355,"

7. On page 13, first line, the Pacific Reporter should be "P.3d" not "P.2d" and the semi colon after "714-15" should be replaced with a comma so that as corrected, the text should read as follows: "P.3d at 714-15, 749."

8. On page 13, third line from the bottom, "917 F. Supp." should be inserted after "Proctor & Gamble" so that as corrected, the text should read as follows: "Proctor & Gamble, 917 F. Supp. at 309-10"

9. On page 14, first full paragraph, eleventh line down, the second word in should be spelled "Proctor" not "Procter" so that as corrected, the text should read as follows: "Proctor & Gamble, 917 F. Supp. at 309"

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10. On page 14, last paragraph, second and third lines, Proctor is misspelled and "Co." should be deleted so that as corrected, the text should read as follows: "Proctor & Gamble, 917 F. Supp. at 310."

11. On page 14, last line, the page numbers should be "512-13" not "512-23" so that as corrected, the text should read as follows: "Mahuiki v. Planning Comm'n, 65 Haw. 506, 512-13,"

12. On page 25, in the Conclusion section, third line from the bottom, the second to the last word should be "Indymac" not "Inymac" so that as corrected, the text should read as follows: "Order Granting Indymac Bank, F.S.G.'s"

13. On page 25, footnote 6, second to the last line, parties should be plural so that as correct the text should read as follows: "There is no indication from the parties' briefs"

The clerk of the court is directed to incorporate the foregoing changes in the original opinion and take all necessary steps to notify the publishing agencies of these changes.

DATED: Honolulu, Hawai'i, July 17, 2008.

FOR THE COURT:


Associate Judge