

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

NO. 28404

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

RICHARD SCHEFFER and JACQUELINE SCHEFFER,
Plaintiffs-Appellants,

v.

DAVID CHARLES RICH and DIVINA PAZARRO RICH,
Defendants-Appellees.NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 OCT 28 AM 8:43

FILED

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CIV. NO. 04-1-0004)ORDER GRANTING MOTION TO
DISMISS APPEAL WITH PREJUDICE

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon consideration of the Motion to Dismiss Appeal with Prejudice (Motion to Dismiss) filed by Appellees David Charles Rich and Divina Pizarro Rich on October 14, 2008, the declaration of counsel, the declaration of trustee in bankruptcy in In re: Richard G. Scheffer and Jacqueline G. Scheffer, Case No. 07-1279, Exhibits A and B to the Motion to Dismiss, and the records and files herein, and there being no opposition to the Motion to Dismiss, it appears that Appellants Richard Scheffer and Jacqueline Scheffer have assigned all of their rights in and to the prosecution of this appeal to Appellees.

Therefore, IT IS HEREBY ORDERED that the Motion to Dismiss Appeal with Prejudice filed on October 14, 2008 is granted and this appeal is dismissed. Each party shall bear its

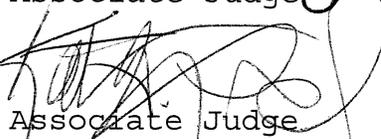
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own attorney's fees and costs. This court makes no other finding or mandate.

DATED: Honolulu, Hawai'i, October 28, 2008.


Presiding Judge


Associate Judge


Associate Judge