

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 28425

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

ASSOCIATION OF APARTMENT OWNERS OF REGENCY TOWER, by its Board of Directors, Plaintiff-Appellee, v. PENNI IRWIN SKATES, also known as Penni Skates-Irwin, Successor Trustee of the Betty M. Skates Revocable Trust dated August 9, 1996, Defendant-Appellant, and DIRECTOR OF TAXATION, STATE OF HAWAI'I; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5; DOE ASSOCIATIONS 1-5; and DOE GOVERNMENTAL UNITS 1-5, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(Civ. No. 06-1-0049)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding J., Foley, and Fujise,)

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2008 AUG 21 AM 7:58

FILED

This appeal stems from a complaint filed by Plaintiff-Appellee Association of Apartment Owners of Regency Tower (AOAO) against Defendant-Appellant Penni Irwin Skates, also known as Penny Skates-Irwin (Skates), Successor Trustee of the Betty M. Skates Revocable Trust dated August 9, 1996, and the Director of Taxation, State of Hawai'i (State)¹ (collectively, Defendants), to foreclose on a lien that AOAO had placed on Skates's condominium unit in the Regency Tower as a result of Skates's failure to pay her share of the Regency Tower's common expenses. The complaint alleged that as of January 1, 2006, Skates had failed and neglected to pay to AOAO \$9,421.87, which represented her share of the common expenses charged to her condominium unit.

¹ The complaint alleged that the State may claim an interest in Skates's condominium unit that was the subject matter of the foreclosure action.

On June 6, 2006, the Circuit Court of the First Circuit² (circuit court) entered (1) findings of fact, conclusions of law, and an order granting AOA's motion for summary judgment and for an interlocutory decree of foreclosure (Foreclosure Order); and (2) a judgment in favor of AOA and against Defendants upon all claims of the complaint (Foreclosure Judgment), which judgment was certified as final for appeal purposes in accordance with Hawai'i Rules of Civil Procedure (HRCP) Rule 54. Skates did not appeal from either the Foreclosure Order or the Foreclosure Judgment, and the commissioner appointed by the Foreclosure Order proceeded to sell Skates's condominium unit.

On February 21, 2007, the circuit court³ entered (1) an order (a) granting AOA's motion for confirmation of the sale of Skates's condominium unit for \$225,000.00; (b) awarding costs, expenses, commissions, and fees to be paid from the proceeds of the sale; (c) directing conveyance of Skates's condominium unit and distribution of the proceeds of the sale; (d) issuing a writ of possession to the purchaser of the condominium unit; and (e) authorizing the purchaser to dispose of any personal property found in Skates's condominium unit (Order Confirming Sale); and (2) a judgment in favor of AOA and against Skates pursuant to the Order Confirming Sale (February 21, 2007 Judgment), certified as final for appeal purposes pursuant to HRCP Rule 54. This appeal followed.

Skates argues on appeal as follows:

i. Karen N Blondin, acting as CIRCUIT COURT JUDGE, FIRST CIRCUIT COURT, abused discretion and erred in decision denying due process safeguards in wrongfully allowing the use of the honor and integrity of the Judiciary to allow Arlette S Harada in the case, as a lawyer, without disclosing privity of relationship and requirement of good moral character and a showing of clean hands.

² The Honorable Karen N. Blondin presided.

³ The Honorable Karen N. Blondin presided.

ii. Karen N Blondin, acting as CIRCUIT COURT JUDGE, FIRST CIRCUIT COURT, abused discretion and erred in decision wrongfully allowing the use of the honor and integrity of the Judiciary for the suppression of free exercise clauses to acquire in personam and subject matter jurisdiction without requiring a showing of clean hands or a compelling state interest.

iii. Karen N Blondin, acting as CIRCUIT COURT JUDGE, FIRST CIRCUIT COURT, abused discretion and erred in decision wrongfully allowing the use of the honor and integrity of the Judiciary for the scandalizing the author of Christianity, in among others, allowing the denial of due process safeguards in the failure, refusal or neglect of Calvin T Nakagawa acting as a commissioner to place the public notice of UCC-1 lien of Senior Creditor of record, Jesus: the Christ, in his own EXHIBIT "A" NOTICE OF FORECLOSURE FACT SHEET (sic); in the dishonor and prejudice to her own oath of office and, to the Lord of Article VII in the constitution of the United States of America.

Based on our review of the record on appeal, the briefs submitted by the parties, and the applicable case law and statutes, we disagree with Skates. Accordingly, we affirm the February 21, 2007 Judgment.

DATED: Honolulu, Hawai'i, August 21, 2008.

On the briefs:

Penni Irwin Skates,
aka Penni Skates-Irwin,
defendant-appellant, *pro se*.

John A. Morris and
Arlette S. Harada
(Ekimoto & Morris)
for plaintiff-appellee.

Corinne K.A. Watanabe
Daniel R. Foley
Aewa Olu'ana