

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

NO. 29076

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

PIONEER MILL COMPANY, LLC, Plaintiff-Appellee

vs.

HEIRS or ASSIGNS of KEONI and NUHI,
and
ALL WHOM IT MAY CONCERN, MATHILDA NOELANI MASON,
Defendants-Appellants.

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2008 JUL 10 PM 1:22

FILED

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIV. NO. 05-1-0330)

ORDER DISMISSING APPEAL FOR NONPAYMENT
OF THE FILING FEE AND DEFAULT OF THE RECORD ON APPEAL
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that: (1) on March 25, 2008, Defendant-Appellant Mathilda Noelani Mason (Appellant) filed a document entitled Notice of Appeal; (2) Appellant did not pay the filing fee, but she attached \$1.00 to the "Notice of Appeal;" (3) on June 10, 2008, the appellate clerk informed Appellant that: (a) the time for docketing the record on appeal expired on May 24, 2008, (b) pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 11(b)(2), the record cannot be prepared and filed without the payment of the filing fee or an order allowing the appellate to proceed in forma pauperis; (c) the appellate clerk will notify the appellate court of this matter on June 17, 2008 for such action as the appellate court deems proper; and (d) the appeal may be dismissed; (4) on June 16, 2008, Appellant filed documents that referred to the

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Uniform Commercial Code, Hawaii Revised Statutes, Chapter 490, but Appellant did not submit the filing fee or otherwise seek relief from the default of the record. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for nonpayment of the filing fee and default of the record on appeal.

DATED: Honolulu, Hawai'i, July 10, 2008.


Daniel R. Foley
Presiding Judge


Auna M. Fijini
Associate Judge


Associate Judge