

*** NOT FOR PUBLICATION ***

NO. 27246

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ASSOCIATES FINANCIAL SERVICES COMPANY OF HAWAII, INC., a Hawai'i corporation, Plaintiff

vs.

ROGER LOPES JAMES and PAMELA ANN PUANANI CHIYONO MITCHELL JAMES, HENRY A.Y. AH SAM; JUDITH C. AH SAM; UNITED STATES OF AMERICA; COUNTY OF HAWAI'I; JOHN DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE ENTITIES 1-10; and DOE GOVERNMENTAL UNITS 1-10, Defendants
(CIV. NO. 98-329)

FILED
2005 DEC 20 AM 10:42
CLERK, APPELLATE COURTS
STATE OF HAWAII
EJ RIMANDO

BANK UNITED, Plaintiff-Appellee

vs.

ROGER LOPES JAMES and PAMELA ANN PUANANI CHIYONO MITCHELL JAMES, Defendants-Appellants

and

UNITED STATES OF AMERICA, ASSOCIATES FINANCIAL SERVICES COMPANY OF HAWAII, INC., GREENWOOD TRUST, CHAMPION PRODUCTS, INC., and JOHN and MARY DOES 1-20, DOE PARTNERSHIPS, CORPORATIONS or OTHER ENTITIES 1-20, Defendants
(CIV. NO. 99-474)

APPEAL FROM THE THIRD CIRCUIT COURT, HILO DIVISION
(CIV. NOS. 98-329 and 99-474)

ORDER DISMISSING APPEAL
(By: Nakayama, J., for the court¹)

Upon review of the record, it appears that the closing of the foreclosure sale is a matter incident to enforcement of the October 2, 2000 judgment of foreclosure. The matter is appealable upon entry of a deficiency judgment or an order

¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

*** NOT FOR PUBLICATION ***

finally ending the foreclosure case. See HRS § 667-51(a) (Supp. 2004); Sturkie v. Han, 2 Haw. App. 140, 146-147, 627 P.2d 296, 301-302 (1981); Hoge v. Kane I, 4 Haw. App. 246, 247, 663 P.2d 645, 647 (1983). The March 18, 2005 order is an order extending the closing date of the foreclosure sale and is not appealable pursuant to HRS § 667-51(a)(2) as a judgment confirming the foreclosure sale. Until a deficiency judgment or an order finally ending the foreclosure case is entered, the appeal of the March 18, 2005 order is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 20, 2005.

FOR THE COURT:

Aunna A. Nakayama

Associate Justice