

*** NOT FOR PUBLICATION ***

NO. 27696

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Application of, ROBERT BLAINE BOETTNER and DONALD GENE BRANSFORD, Applicants-Appellants, Appellees

and

EDWARD R. KENNEDY, JAMES WHITCOMB, LAWRENCE CHRISTOPHER, JAMES GILMUR DUKE McELROY, DAWN ROBERTS, FENN SHRADER, and the MAUI MEADOWS HOMEOWNERS ASSOCIATION, Intervenor-Appellees, Appellants

and

BOARD OF VARIANCES AND APPEALS, COUNTY OF MAUI, Agency-Appellee

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 05-1-0095)

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

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APPELLATE COURTS
STATE OF HAWAII

FILED

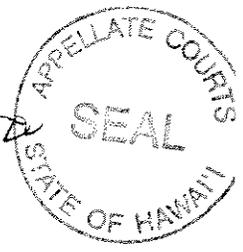
Upon review of the record, it appears that judgment has not been entered on the circuit court's December 1, 2005 order. Thus, this appeal is premature and we lack jurisdiction. See HRCF 72(k) and 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994). Therefore,

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

DATED: Honolulu, Hawai'i, May 9, 2006.

FOR THE COURT:

Anna C. Nakayama
Associate Justice



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