

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---o0o---

IN THE MATTER
OF
THE GUARDIANSHIP OF
EDITH M. CARLSMITH, Incapacitated Person

NO. 27569

ORDER OF AMENDMENT
(FC-G NO.03-1-0350)

JANUARY 24, 2007

CLERK OF APPELLATE COURTS
STATE OF HAWAII
E. M. RIMANDO

2007 JAN 24 AM 10:34

FILED

MOON, C.J., LEVINSON, NAKAYAMA, ACOBA, AND DUFFY, JJ.

The opinion of the court, filed on October 18, 2006, is amended by deleting the following sentences on page 27, lines 23-26 from the top:

"As a general rule, however, '[w]hen a statute . . . and a rule conflict, the statute prevails. In re Doe, 109 Hawai'i 399, 409, 126 P.3d 1086, 1096 (2006). Accordingly, we determine whether the mandates of HRS § 560:5-309 were observed."

Further, the paragraph indentations of the next paragraph are deleted, so that that paragraph is incorporated into the prior paragraph.

The Clerk of the Court is directed to incorporate the foregoing changes in the original opinion and take all necessary steps to notify the publishing agencies of these changes.



Steven A. Levinson

Fumio A. Takayama



James E. Duggan, Jr.