

*** NOT FOR PUBLICATION ***

NO. 26647

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PHYLLIS YUMIKO HANTA OKADA, Plaintiff-Appellee

vs.

HOWARD TAKAO OKADA, Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-D NO. 03-1-2061)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of appellant's points of error on appeal and the record, it appears that the family court did not fully and finally divide and distribute all of the property over which it had jurisdiction inasmuch as the family court left it to the parties to divide their household furniture, furnishings and effects by directing them to divide such property by mutual agreement or by a lottery system within thirty days after entry of the June 1, 2004 divorce decree. Thus, the appeal of the June 1, 2004 divorce decree is premature as to the division of property and we lack jurisdiction to review the decree as to the division of property. See Eaton v. Eaton, 7 Haw. App. 111, 119, 748 P.2d 801, 806 (1987). Therefore,

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

DATED: Honolulu, Hawai'i, February 2, 2005.