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Supreme Court
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SCWC-12-0000870

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ASSOCIATION OF CONDOMINIUM HOMEOWNERS OF TROPICS AT WAIKELE,
by its Board of Directors,
Respondent/Plaintiff-Appellee,

vs.

PATSY NAOMI SAKUMA,
Petitioner/Defendant-Appellant,

and

FIRST HAWAIIAN BANK, a Hawai'i corporation; and
WAIKELE COMMUNITY ASSOCIATION, a Hawai'i nonprofit corporation,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-12-0000870; CIV. NO. 07-1-1487)

ORDER ACCEPTING APPLICATION FOR WRIT OF CERTIORARI,
VACATING THE INTERMEDIATE COURT OF APPEALS' JUDGMENT ON APPEAL,
AND REMANDING THE CASE TO THE INTERMEDIATE COURT OF APPEALS
(By: Nakayama, Acting C.J., McKenna, Pollack, and Wilson, JJ.
and Circuit Judge Kubo, in place of Recktenwald, C.J, recused)

On September 28, 2015, Petitioner/Defendant-Appellant Patsy Naomi Sakuma (Sakuma) filed an application for a writ of certiorari seeking review of the Intermediate Court of Appeals' (ICA) September 23, 2015 judgment on appeal. Although it is understandable that the ICA presumed it had jurisdiction and

addressed Sakuma's appeal after the majority's opinion in Ass'n of Condo. Homeowners of Tropics at Waikele ex rel. Bd. of Dirs. v. Sakuma, 131 Hawai'i 254, 318 P.3d 94 (2013) was issued, our recent decision in Deutsche Bank Nat'l Trust Co. v. Amasol, 135 Hawai'i 357, 351 P.3d 584 (2015) clarified that the ICA did not have jurisdiction to hear the appeal. Therefore,

IT IS HEREBY ORDERED that the application for writ of certiorari is accepted. The ICA's September 23, 2015 judgment on appeal is vacated for lack of jurisdiction. The case is remanded to the ICA with instructions to temporarily remand the case to the Circuit Court of the First Circuit (circuit court) to enter a written order disposing of Sakuma's June 7, 2012 motion for reconsideration, and direct the circuit court to supplement the record on appeal with the written order.

DATED: Honolulu, Hawai'i, November 6, 2015.

Patsy N. Sakuma,
petitioner pro se

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Edward H. Kubo, Jr.

