

NO. 29900

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DUSTIN CROSS and SANDI ADELE SCHNEIDERMAN,
Plaintiffs/Counterclaim Defendants-Appellees, v. THERESA ILENE
HARDEN, Defendant/Counterclaim Plaintiff-Appellant, and JOHN
DOES, 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; DOE ENTITIES 1-10; AND DOE GOVERNMENTAL UNITS
1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 08-1-0263)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Defendant/Counterclaim Plaintiff-Appellant Theresa
Ilene Harden (Harden) appeals from the "Judgment on Order
Approving Report of Commissioner, Confirming Commissioner's Sale
of Property at Public Auction, and for a Writ of Possession,"
entered on June 4, 2009 in the Circuit Court of the First Circuit
(circuit court).¹

Harden contends that the circuit court erred by
confirming the sale of 47-227 Okana Road, K ne ohe, Hawaii
(Property) at public auction because (1) the sale price was
unreasonable and (2) Plaintiffs/Counterclaim Defendants-Appellees

¹ The Honorable Karen N. Blondin presided.

Dustin Cross and Sandi Adele Schneiderman (Plaintiffs) committed fraud which is the subject of appeal No. 29576.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we resolve Harden's points of error as follows:

Harden fails to point where in the record she objected to a bid of \$350,000 for the Property. Although she objected to a prior bid of \$125,000, the bidding was reopened at the hearing on Plaintiffs' motion to confirm the foreclosure sale which resulted in an offer of \$350,000 being accepted by the Commissioner. Harden did not object to this later, higher offer. Consequently, Harden's point of error that the bid of \$350,000 was unreasonable has not been preserved for appeal. Hawaii Rules of Appellate Procedure Rule 28(b)(4).

Moreover, Harden's only objection made to the circuit court was to the Commissioner's method of marketing the Property. Harden requested that the Property be further marketed based on the Property being vacant land. However, Harden did not previously object to the method of marketing the Property as directed in the Commissioner's instructions, nor did she identify in what respect the Commissioner failed to comply with his instructions or present any evidence supporting her position that the marketing efforts made by the Commissioner were inadequate.

As to Harden's arguments regarding alleged illegal alterations to the Property and concealment of the same, referencing the arguments and allegations in appeal No. 29576, our Summary Disposition Order entered on February 10, 2011 in appeal No. 29576 disposes of the same.

The circuit court did not abuse its discretion in confirming the sale of the Property in this case.

Therefore,

IT IS HEREBY ORDERED that the "Judgment on Order Approving Report of Commissioner, Confirming Commissioner's Sale

