

NO. CAAP-11-0000309

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

AMERICAN SAVINGS BANK, F.S.B.,  
and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,  
acting solely as nominee for AMERICAN SAVINGS BANK, F.S.B.,  
Plaintiff-Appellee,

v.

DOUGLAS K. AWAI, SR., individually  
and as Co-Trustee under the Unrecorded Awai Family  
Trust dated February 6, 2008; et al., Defendants-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CIVIL NO. 10-1-162K)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 30  
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) On March 30, 2011, Defendants-Appellants Douglas K. Awai, Sr. and Isabelle Awai (Appellants) filed a notice of appeal; (2) the record on appeal was filed on May 31, 2011, and the appellate clerk filed the notice of entering case on calendar and informed Appellants that the jurisdictional statement was due June 13, 2011 and the opening brief was due July 11, 2011; (3) Appellants

filed the jurisdictional statement; (4) although Appellants obtained extensions of time to October 31, 2011 to file the opening brief, they did not file the brief; (5) on February 28, 2012, the appellate clerk provided notice to Appellant that: (a) the time to file the opening brief expired; (b) the matter would be called to the attention of the court on March 9, 2012; and (c) the appeal may be dismissed pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 30; and (6) thereafter, Appellants did not file the opening brief or seek relief from default.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rule 30.

DATED: Honolulu, Hawai'i, March 28, 2012.

Presiding Judge

Associate Judge

Associate Judge