

NO. CAAP-11-0001040

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

DLJ MORTGAGE CAPITAL, INC.,
Plaintiff-Appellee,
v.
MARK A. FROST,
Defendant-Appellant,
and
ASSOCIATION OF APARTMENT OWNERS OF PUUIKI HALE, et al.,
Defendants

ASSOCIATION OF APARTMENT OWNERS OF PUUIKI HALE,
Cross-Claimant,
v.
MARK ANTHONY FROST, and
KIMBERLY MARLO FROST, aka KIMBERLY M. FROST,
Cross-Claim Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-0357-02)

ORDER DISMISSING APPEAL PURSUANT TO HRAP RULE 11(c)(2)
(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

Upon review of the record, it appears that:

(1) on December 9, 2011, Defendant-Appellant Mark Frost
(Appellant) filed a notice of appeal; (2) on December 16, 2011,
the court denied Appellant's request to proceed on appeal in

forma pauperis; (3) on February 16, 2012, the appellate clerk notified Appellant that: (a) the filing fee was not paid and the record could not be prepared and filed without payment of the filing fee or an order allowing Appellant to proceed in forma pauperis pursuant to Hawai'i Rules of Appellate Procedure (HRAP) Rule 24; and (b) the matter would be called to the attention of the court on February 26, 2012 for action as the court deemed proper pursuant to HRAP Rule 11(c)(2), including dismissal of the appeal; and (4) thereafter, Appellant took no further action in this appeal.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, March 19, 2012.

Presiding Judge

Associate Judge

Associate Judge