

NO. CAAP-10-0000034

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE
FOR THE STRUCTURED ASSET SECURITIES CORPORATION
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-BC2
Plaintiff-Appellee,

v.

CHARITO ECHALAS CHICHIOCO, Defendant-Appellant,

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII;
INTERNATIONAL MONETARY FUND AKA INTERNAL MONETARY FUND;
CHARISH ASHLEY ECHALAS CHICHIOCO AND
CHARLES ANTHONY ECHALAS CHICHIOCO TRUSTEE OF THE
CHARITO E. CHICHIOCO TRUST, AN IRREVOCABLE TRUST;
CREDIT ASSOCIATES OF MAUI, LTD., a Hawaii corporation;
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-Appellees.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CV. NO. 09-1-0031(2) (Foreclosure))

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, and Fujise and Leonard, JJ.)

In this mortgage foreclosure action, Defendant-Appellant Charito Echalas Chichioco (Chichioco) appeals from the "Judgment on Findings of Fact, Conclusions of Law and Order Granting Plaintiff's Motion for Summary Judgment and Decree of Foreclosure Against All Defendants on Complaint Filed January 14, 2009" (Judgment) that was entered in the Circuit Court of the

Second Circuit (Circuit Court)¹ on September 22, 2010. The Judgment was entered in favor of Plaintiff-Appellee U.S. Bank National Association, as Trustee for the Structured Asset Securities Mortgage Pass-Through Certificates, Series 2006-BC2 (U.S. Bank). We affirm the Circuit Court's Judgment.

Chichioco's arguments on appeal are difficult to decipher. It appears that Chichioco contends that U.S. Bank was not a real party in interest, pursuant to Hawai'i Rules of Civil Procedure (HRCP) Rule 17 (2000), because U.S. Bank was not the original holder of the promissory note and mortgage. Based on this contention, Chichioco argues that the Circuit Court erred in granting U.S. Bank's motion for summary judgment and decree of foreclosure. We disagree.

At the outset, we note that Chichioco did not provide a transcript of the hearing on the motion for summary judgment and decree of foreclosure. It is well settled that the appellant has the duty to supply the appellate court with a sufficient record to demonstrate the alleged error, which includes relevant transcripts. See Bettencourt v. Bettencourt, 80 Haw. 225, 230, 909 P.2d 553, 558 (1995); Hawai'i Rules of Appellate Procedure Rule 10(b)(1)(A) and Rule 11(a) (2010). We would be justified in rejecting Chichioco's appeal based on her failure to provide the relevant transcript.

In any event, we reject Chichioco's arguments. In support of its motion for summary judgment, U.S. Bank presented evidence of a recorded assignment of mortgage dated September 29, 2008, and that it was the current owner of the mortgage and promissory note. It also presented evidence that Chichioco had defaulted on her payment obligations under the promissory note and mortgage. Based on the record presented and the arguments on appeal, we conclude that U.S. Bank established that it was the real party in interest and that the Circuit Court did not err in granting U.S. Bank's motion for summary judgment and decree of

¹ The Honorable Shackley F. Raffetto presided.

foreclosure. See HRCF Rule 56(c), (e) (2000); Bank of Honolulu,
8 Haw. App. 545, 550-52, 654 P.2d 1370, 1374-76 (1982).

We affirm the Judgment of the Circuit Court.

DATED: Honolulu, Hawai'i, May 21, 2012.

On the briefs:

Charito E. Chichioco
Defendant-Appellant Pro Se

Chief Judge

Robert E. Chapman
Katie L. Lambert
(Clay Chapman Iwamura Pulice
& Nervell)
for Plaintiff-Appellee

Associate Judge

Associate Judge