

NO. CAAP-12-0000164

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
Plaintiff/Counterclaim Defendant/Appellee,

v.

LEE T.Y. BISE,
Defendant/Plaintiff Counter Claimant/Appellant,

BRANDON CHAMBERLAIN, JESSICA DUARTE, LAURA F. CORDES,
JOHN DOES 1-50, and JANE DOES 1-50,
Defendants-Appellees,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
FLAGSTAR BANK, FSB; FLAGSTAR BANK;
JOHN AND MARY DOES 1-20; and DOE CORPORATIONS
and ENTITIES 1-20,
Counterclaim Defendants/Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CIVIL NO. 11-1-0478)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Ginoza, JJ.)

Defendant-Plaintiff Counter Claimant/Appellant Lee T.Y.

Bise appeals from the November 29, 2011 Judgment for Possession

entered in favor of Plaintiff-Appellee Federal National Mortgage Association in the Circuit Court of the Second Circuit¹.

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, as well as the relevant statutory and case law, we conclude this appeal is without merit.

Our appellate courts have repeatedly held that claims involving the applicability of the Kingdom of Hawai'i laws are without merit. The Hawai'i Supreme Court in State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013) reaffirmed this holding where it wrote:

Kaulia appears to argue that he is immune from the court's jurisdiction because of the legitimacy of the Kingdom government. In that regard, we reaffirm that "[w]hatever may be said regarding the lawfulness" of its origins, "the State of Hawai'i . . . is now a lawful government." State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004), *aff'd*, 106 Hawai'i 41, 101 P.3d 225 (2004). Individuals claiming to be citizens of the Kingdom and not of the State are not exempt from application of the State's laws. See Id. at 55, 101 P.3d at 664; State v. Lorenzo, 77 Hawai'i 219, 883 P.2d 641 (App. 1994); State v. French, 77 Hawai'i 222, 883 P.2d 644 (App. 1994); Nishitani v. Baker, 82 Hawai'i 281, 921 P.2d 1182 (App. 1996); State v. Lee, 90 Hawai'i 130, 976 P.2d 444 (1999).

Therefore,

¹ The Honorable Joseph E. Cardoza presided.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

IT IS HEREBY ORDERED that the Judgment for Possession entered November 29, 2011 in the Circuit Court of the Second Circuit is affirmed.

DATED: Honolulu, Hawai'i, March 15, 2013.

On the briefs:

Keoni K. Agard
Dexter K. Kaiama
(Agard & Kaiama)
(on the opening brief) Presiding Judge
Dexter K. Kaiama
(on the reply brief)
for Defendant/Plaintiff Counter
Claimant/Appellant.

Associate Judge

Charles R. Prather
Sofia M. Hirosane
Blue Kaanehe
(RCO Hawaii)
for Plaintiff/Counterclaim
Defendant/Appellee Associate Judge
Federal National Mortgage
Association.