

NO. CAAP-12-0000173

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
Plaintiff-Appellee,
v.
BARBARA J.K. DUARTE,
Defendant-Appellant
and
CLAYTON CARVALHO; AILEEN CARVALHO, et al.,
Defendants-Appellees

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
(DC CIVIL NO. 11-1-0353)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, and Reifurth and Ginoza, JJ.)

In this action for ejectment, Defendant-Appellant Barbara J.K. Duarte (Duarte) appeals from the Judgment for Possession entered in favor of Plaintiff-Appellee Federal National Mortgage Association, which was filed on February 15, 2012, in the District Court of the Second Circuit (District Court).¹

The sole argument raised by Duarte on appeal is that the District Court lacked subject matter jurisdiction over her case because she has demonstrated the continuing existence of the Hawaiian Kingdom. Our appellate courts, however, have repeatedly held that claims of this nature are without merit. In State v.

¹The Honorable Blaine J. Kobayashi presided.

Kaulia, 128 Hawai'i 479, 291 P.3d 377 (2013), the Hawai'i Supreme Court reaffirmed this view where it stated:

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).

Kaulia, 128 Hawai'i at 487, 291 P.3d at 385 (ellipsis points and brackets in original).

Accordingly, the February 15, 2012, Judgment for Possession entered by the District Court is affirmed.

DATED: Honolulu, Hawai'i, May 9, 2013.

On the briefs:

Barbara J.K. Duarte
Defendant-Appellant Pro Se

Chief Judge

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Peter K. Keegan, Esq.
for Plaintiff-Appellee

Associate Judge

Associate Judge