

NO. CAAP-12-0000315

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DONALD EDWARD KROG, in his capacity
as Trustee of THE DONALD EDWARD KROG
LIVING TRUST dated March 25, 2010,
Plaintiff-Appellee,

v.

ELEANA UMILANI KOAHOU, YVONNE MOKIHAHA KEAHI,
Defendants-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 11-1-1697-08)

SUMMARY DISPOSITION ORDER

(By: Nakamura, C.J., Foley and Leonard, JJ.)

Defendants-Appellants Eleana Umilani Koahou and Yvonne Mokihaana Keahi appeal from the January 26, 2012 "Order Granting Plaintiff's Motion For Summary Judgment Filed November 21, 2011," and the March 9, 2012 "Final Judgment In Favor of Plaintiff And Against Defendants Eleana Umilani Koahou and Yvonne Mokihaana Keahi," both entered in the Circuit Court of the First Circuit.¹ The circuit court found in favor of Plaintiff-Appellee Donald Edward Krog, in his capacity as Trustee of the Donald Edward Krog Living Trust dated March 25, 2010.

On appeal, Koahou and Keahi contend the circuit court erred when it:

¹

The Honorable Karl K. Sakamoto presided.

(1) granted summary judgment despite genuine issues of material fact concerning the validity of the mortgage assignment; and

(2) awarded damages and attorneys' fees and costs without legal authorization.

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.

Therefore,

IT IS HEREBY ORDERED that the January 26, 2012 "Order Granting Plaintiff's Motion For Summary Judgment Filed November 21, 2011," and the March 9, 2012 "Final Judgment In Favor of Plaintiff And Against Defendants Eleana Umilani Koahou and Yvonne Mokihana Keahi," both entered in the Circuit Court of the First Circuit are affirmed.

DATED: Honolulu, Hawaii, May 17, 2013.

On the briefs:

Gary Victor Dubin
Frederick J. Arensmeyer
Zeina Jafar
for Defendants-Appellants.

Chief Judge

Theodore D.C. Young
Andrew G. Odell
(Cades Schutte)
and
Wayne Nasser
Kevin W. Herring
Steven R. Gray
(Ashford & Wriston)
for Plaintiff-Appellee.

Associate Judge

Associate Judge