CONCURRING AND DISSENTING OPINION BY NAKAMURA, C.J.

I agree with the majority that this court has jurisdiction to review the issues raised by Defendant-Appellant Lesieli Teisina (Lesieli) and Intervenor-Appellant Penisimani Teisina (Penisimani) (collectively, the "Teisinas") in this appeal. However, unlike the majority, I would affirm the Circuit Court in all respects. In particular, I disagree with the majority's conclusion that the Circuit Court erred in granting the motions for summary filed by Plaintiff-Appellant Hovey B. Lambert (Lambert), "Trustee under the Hovey B. Lambert Trust, an unrecorded Revocable Living Trust Agreement dated April 5, 2002," with respect to the interests of Lesieli and Penisimani in Parcel 33.

I.

The Teisinas contend that they own a 10,000 square foot portion of Parcel 33. In granting summary judgment in favor of Lambert, the Circuit Court ruled (1) that Lesieli only owned a 3/5824 undivided interest in Parcel 33 (equating to 51.9 square feet) and (2) that Penisimani did not own any interest in Parcel 33 because he previously conveyed the interest he owned to others.

In my view, the Teisinas, on appeal, did not make any discernible argument based on a claim of paper title that the Circuit Court erred in determining that their interest in Parcel 33 was limited to a 3/5824 undivided interest held by Lesieli. Accordingly, they waived any challenge to the Circuit Court's summary judgment rulings based on a claim of paper title to Parcel 33. See In re Haw. Gov't Employees Ass'n, AFSCME, Local 152, AFL–CIO, 116 Hawaiʻi 73, 92, 170 P.3d 324, 343 (2007); Hawaiʻi Rules of Appellate Procedure Rule 28(b)(7) (2010) ("Points not argued may be deemed waived."); Suzuki v. State, 119 Hawaiʻi 288, 303, 196 P.3d 290, 305 (App. 2008). Instead, the Teisinas argue on appeal that the Circuit Court erred in its summary judgment rulings because they own a 10,000 square foot portion of Parcel 33 through adverse possession. However, I

agree with the majority that the Teisinas' adverse possession claim is without merit.

The undisputed evidence shows that the Teisinas acquired their interest in Parcel 33 by quitclaim deed from Peter K. Lua, Sr. (Lua) in 1991, that their possession of the portion of Parcel 33 they claim to own by adverse possession began in 1991, and that Lambert's complaint was filed in 2009. Accordingly, as a matter of law, the Teisinas did not adversely possess the property for the twenty year period necessary to acquire property by adverse possession. See Hawaii Revised Statutes (HRS) § 669-1(b) (1993). Because the Teisinas did not challenge the Circuit Court's rulings based on a claim of paper title and because the Circuit Court's rulings based on adverse possession were correct, I would affirm the Circuit Court's summary judgment decisions.

Moreover, even assuming arguendo that the Teisinas raised a challenge on appeal to the Circuit Court's summary judgment rulings based on a claim of paper title, I would affirm the Circuit Court. In support of his motions for summary judgment, Lambert presented evidence establishing that the Teisina's paper title to Parcel 33 was limited to a 3/5824 undivided interest held by Lesieli. Lambert showed that the Teisinas had acquired their interest in Parcel 33 through a quitclaim deed from Lua, that Lua only owned a 3/2912 interest in Parcel 33 when Lua quitclaim his interest to the Teisinas, and that Penisimani subsequently conveyed his interest in Parcel 33 to others. In response to Lambert's summary judgment motions, the Teisinas did not present evidence establishing that there was a genuine issue of material fact with respect to Lambert's evidence showing that their paper title was limited to a 3/5824 undivided interest held by Lesieli. The majority cites to a 1986 co-tenancy agreement between Elizabeth Lambert and Lua in which Lua represented that he owned a 57% interest in Parcel 33. However, the co-tenancy agreement did not convey any interest in Parcel 33 to Lua and thus did not serve to affect or change the

title actually owned by Lua in Parcel 33. Lua could not convey to the Teisinas a greater interest in Parcel 33 than he actually owned, and Lambert established that Lua only owned a 3/2912 interest in Parcel 33 when Lua quitclaimed his interest to the Teisinas.[1]

II.

I agree with the result reached by the majority to the extent that it affirms the Circuit Court. To the extent that the majority concludes that the Circuit Court erred, I respectfully dissent.

[1]With respect to the joinder of Penisimani, I conclude that any error in failing to order the joinder of Penisimani was cured by (1) the Circuit Court's grant of Penisimani's motion to intervene and (2) its consideration of Penisimani's claimed interest in Parcel 33 and its determination that he held no interest in Parcel 33, in ruling on Lambert's motion for summary judgment against Penisimani.