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Intermediate Court of Appeals
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NO. CAAP-12-0000144

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

WELLS FARGO BANK N.A., AS TRUSTEE FOR CARRINGTON
MORTGAGE LOAN TRUST, SERIES 2006-NC3
ASSET-BACK PASS-THROUGH CERTIFICATES,
Plaintiff-Appellee,

v.

LANDISH K. ARMITAGE, ROBIN R. ARMITAGE,
JOHN DOES 1-50, AND JANE DOES 1-50,
Defendants-Appellants

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3RC11-1-1142)

SUMMARY DISPOSITION ORDER

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

In an appeal arising from an action for ejectment, Defendants-Appellants Landish K. Armitage and Robin R. Armitage appeal from the February 9, 2012 Judgment for Possession entered in favor of Plaintiff-Appellee Wells Fargo Bank N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006-NC3 Asset-Back Pass-Through Certificates in the District Court of the Third 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

¹ The Honorable Barbara T. Takase presided.

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,

IT IS HEREBY ORDERED that the Judgment for Possession entered February 9, 2012 in the District Court of the Third Circuit is affirmed.


DATED: Honolulu, Hawai'i, March 18, 2013.

On the briefs:

Keoni K. Agard
Dexter K. Kaiama
(Agard & Kaiama)
(on the opening brief)
Dexter K. Kaiama
(on the reply brief)
for Defendants/Appellants.

Charles R. Prather
Sofia M. Hirosane
Blue Kaanehe
(RCO Hawaii)
for Plaintiff/Appellee.


Chief Judge


Associate Judge


Associate Judge