

NO. CAAP-18-0000442

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF THE
INDYMAC INDX MORTGAGE LOAN TRUST 2006-AR35, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2006-AR35 UNDER THE
POOLING AND SERVICING AGREEMENT DATED NOVEMBER 1, 2006,
Plaintiff-Appellant,

v.

EKEPATI TAUA NIKO ALSO KNOWN AS EKEPATI T. NIKO;
SHARLENE MILILANI NIKO ALSO KNOWN AS SHARLENE M. NIKO ALSO
KNOWN AS SHARLENE NIKO; MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., SOLELY AS NOMINEE FOR INDYMAC BANK, FSB;
STATE OF HAWAII - DEPARTMENT OF TAXATION; UNITED STATES OF
AMERICA; KE AINA KAI COMMUNITY ASSOCIATION, INC.; OCEAN POINTE
RESIDENTIAL COMMUNITY ASSOCIATION, INC., Defendants-Appellees,

and

DAMON MASATOSHI SENAHA, Intervenor-Appellee,

and

JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50;
DOE CORPORATIONS 1-50; DOE ENTITIES 1-50; AND DOE
GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 13-1-0386)

ORDER APPROVING THE MARCH 19, 2021
STIPULATION FOR DISMISSAL OF APPEAL

(By: Ginoza, Chief Judge, Leonard and Hiraoka, JJ.)

Upon consideration of the Stipulation for Dismissal of
Appeal, filed March 19, 2021, and executed by counsel for
Deutsche Bank National Trust Company, as Trustee of the Indymac
Indx Mortgage Loan Trust 2006-AR35, Mortgage Pass-Through
Certificates, Series 2006-AR35 Under the Pooling and Servicing
Agreement Dated November 1, 2006, Damon Masatoshi Senaha, Ke Aina

Kai Community Association, Inc., and the Department of Taxation, State of Hawai'i, the papers in support, and the record, it appears that:

(1) the appeal has been docketed;

(2) pursuant to Hawai'i Rules of Appellate Procedure Rule 42(b), the parties stipulate to dismiss the appeal and bear their own attorneys' fees and costs; and

(3) the stipulation is dated and signed by counsel for all parties appearing in the appeal.

Therefore, IT IS HEREBY ORDERED that the stipulation to dismiss the appeal is approved, and the appeal is dismissed. The parties shall bear their own attorneys' fees and costs.

DATED: Honolulu, Hawai'i, March 31, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge