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SCAD-20-0000512

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In re: DAVID J. MIKONCZYK (Deceased), Bar No. 3853

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson and Eddins, JJ.)

Upon consideration of the July 13, 2022 report and motion for compensation and for discharge, submitted by attorney Walter Hebblethwaite, as Trustee, pursuant to Rule 2.20 of the Rules of the Supreme Court of the State of Hawai'i (RSCH) (2021), over the former practice of deceased attorney David Mikonczyk, the July 20, 2022 submission filed by Bradley Tamm of the Office of Disciplinary Counsel as Trustee Administrator, and the record in this matter, we conclude that \$13,380.05 of the funds held in the IOLTA account at American Savings Bank (ASB), ending in x1064, are legal fees earned by Mikonczyk which were not withdrawn prior to his death,¹ and further conclude that nothing further can be accomplished by Trustee Hebblethwaite with regards to the trusteeship. We also find and conclude that the hours of work reported by Trustee Hebblethwaite are reasonable in amount

¹ Being \$6,499.00 in one client matter and \$6,881.05 in a separate client matter.

and related to the duties of the trusteeship and that the compensation requested is reasonable in light of the results achieved. Therefore,

IT IS HEREBY ORDERED that the report is approved.

IT IS FURTHER ORDERED that the motion for compensation is granted in full. The Disciplinary Board shall pay Trustee Hebblethwaite \$1,590.00 for fees earned, and \$74.92 in General Excise Tax, totaling \$1,664.92, within 30 days of the entry date of this order.

IT IS FURTHER ORDERED that the motion to discharge Trustee Hebblethwaite is granted, with Bradley Tamm appointed Successor Trustee to complete the duties of this trusteeship.

IT IS FURTHER ORDERED that Successor Trustee Tamm is authorized to disburse \$13,380.05 of the funds in the trust account to Mikonczyk's estate, and is further authorized, pursuant to RSCH Rule 2.20(j) (2021), to seek reimbursement from the estate of the expenses incurred by this trusteeship. Successor Trustee Tamm shall hold the remaining funds in the account until either a valid claim to them is approved or they become ripe, pursuant to HRS Ch. 523A, for a declaration of abandonment and to escheat, after August 30, 2025.

DATED: Honolulu, Hawai'i, August 15, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

