

NO. CAAP-22-0000480

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

THE ESTATE OF LEE RAYMOND TEPLEY, DECEASED

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3LP191000102)

ORDER DISMISSING APPEAL

(By: Ginoza, Chief Judge, Wadsworth and Chan, JJ.)

Upon review of the record, it appears that:

(1) On August 8, 2022, self-Represented Petitioner-Appellant Mary Prudence Tepley (Appellant) filed a Notice of Appeal and a request for the circuit court to waive the filing fee;

(2) On August 17, 2022, the circuit court denied the request for a fee waiver;

(3) On August 29, 2022, the circuit court clerk notified Appellant to pay the filing fee on or before September 9, 2022, or the appeal could be dismissed, because the circuit court denied the request for a fee waiver;

(4) The record on appeal was due on or before October 7, 2022, see Hawai'i Rules of Appellate Procedure (HRAP) Rule 11(b)(1), but was not filed because Appellant failed to pay the filing fee or obtain a fee waiver. HRAP Rules 3(a), 11(b)(2), 24;

(5) On October 19, 2022, the appellate clerk entered a default of the record on appeal, informing Appellant that the time to docket the appeal expired, Appellant had not paid the

filing fee or obtained an order allowing Appellant to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on October 31, 2022, for action that may include dismissal of the appeal, and Appellant could seek relief from default by motion. The appellate clerk mailed the default notice to Appellant at the address indicated in the notice of appeal. The United States Postal Service returned the notice as unclaimed and unable to forward. Appellant has not filed a notice of change of address, as required by HRAP Rule 25(f), and Appellant took no further action in this appeal; and

(6) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed *in forma pauperis*. HRAP Rule 11(b)(2), (c)(2).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, May 18, 2023.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge