

NO. CAAP-21-0000643

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE
FOR TRUMAN 2016 SC6 TITLE TRUST, Plaintiff-Appellee, v.
RAYMOND MICHAEL CERNEY; PATRICIA ANN CERNEY,
Defendants-Appellants, and
ASSOCIATION OF APARTMENT OWNERS OF KONA SEA RIDGE,
Defendant-Appellee, and
JOHN DOES 1-20; JANE DOES 1-20; DOE CORPORATIONS 1-20;
DOE ENTITIES 1-20; AND DOE GOVERNMENTAL UNITS 1-20,
Defendants.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CC18100158K)

ORDER APPROVING STIPULATION FOR DISMISSAL OF APPEAL
(By: Leonard, Presiding Judge, Wadsworth and McCullen, JJ.)

Upon consideration of Plaintiff-Appellee U.S. Bank
National Association as Legal Title Trustee for Truman 2016 SC6
Title Trust's (**U.S. Bank**) and Raymond Michael Cerney and
Patricia Ann Cerney's (**Cerneys**) August 4, 2023 "Stipulation for

Dismissal with Prejudice of Notice of Appeal Filed November 10, 2021" (**Stipulation to Dismiss**), the papers in support, and the record and files herein, it appears that:

- (1) On August 4, 2023, U.S. Bank and the Cerneys filed the Stipulation to Dismiss pursuant to Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 42(b);
 - a. The Stipulation to Dismiss states that U.S. Bank and the Cerneys "stipulate and agree" that the Cerneys' notice of appeal "filed herein on November 10, 2021 is hereby dismissed with prejudice";
 - b. "Each party shall bear their own attorneys' fees and costs"; and
 - c. The Stipulation to Dismiss is dated and signed by U.S. Bank's counsel and the Cerneys' counsel.

(2) This appeal was docketed on August 29, 2022.

(3) No payment is due.

The Stipulation to Dismiss complies with HRAP Rule 42(b) (providing in part that if "parties to a docketed appeal or other proceeding sign and file a stipulation for dismissal, specifying the terms as to payment of costs and" pay

the fees that are due, "the case shall be dismissed upon approval by the appellate court").

Therefore, IT IS HEREBY ORDERED that the Stipulation is approved and the appeal is dismissed with prejudice. The parties shall bear their own attorneys' fees and costs on appeal.

DATED: Honolulu, Hawai'i, August 24, 2023.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge