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Intermediate Court of Appeals
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NO. CAAP-18-0000458

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

BANK OF AMERICA, N.A. AS SUCCESSOR BY MERGER TO LASALLE BANK
NATIONAL ASSOCIATION, AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR
STEARNS ASSET BACKED SECURITIES I LLC, ASSET-BACKED
CERTIFICATES, SERIES 2007-HE5, Plaintiff-Appellee, v.
PAUL LAWRENCE COLLINS, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 1CC17-1-001443)

SUMMARY DISPOSITION ORDER

(By: Hiraoka, Presiding Judge, Wadsworth and McCullen, JJ.)

Defendant-Appellant Paul Lawrence Collins (**Collins**)
appeals from the Circuit Court of the First Circuit's¹ May 9,
2018 "Order Granting Plaintiff Bank of America, N.A., As
Successor By Merger To LaSalle Bank National Association, As
Trustee For Certificateholders Of Bear Stearns Asset Backed

¹ The Honorable Bert I. Ayabe presided.

Securities I LLC, Asset-Backed Certificates, Series 2007-HE5's [(Bank of America)] Motion For Summary Judgment Filed March 9, 2018" (**Order Granting Summary Judgment**) and May 21, 2018 Final Judgment.

On appeal, Collins raises three points of error, and requests that the case be remanded based in part on Wells Fargo Bank, N.A. v. Omiya, 142 Hawai'i 439, 420 P.3d 370 (2018). Bank of America also seeks remand based on Omiya.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the issues raised and the arguments advanced, there is no evidence in the record showing that the certificate of title presented to the circuit court was "entered." See Hawai'i Revised Statutes §§ 501-75 (2006), -83 (2006), and -118 (2006). Thus, the circuit court erred in granting Bank of America's motion for summary judgment. Omiya, 142 Hawai'i at 455-57, 420 P.3d at 386-88.

Therefore, we vacate the circuit court's May 9, 2018 Order Granting Summary Judgment and May 21, 2018 Final Judgment,

and remand this case for further proceedings. We need not resolve Collins' remaining points of error.

DATED: Honolulu, Hawai'i, January 22, 2024.

On the briefs:

/s/ Keith K. Hiraoka
Presiding Judge

Katherine S. Belford,
Gary Victor Dubin,
Keith M. Kiuchi,
for Defendant-Appellant.

/s/ Clyde J. Wadsworth
Associate Judge

Patricia J. McHenry,
Nicholas M. McLean,
for Plaintiff-Appellee.

/s/ Sonja M.P. McCullen
Associate Judge