

**Electronically Filed
Intermediate Court of Appeals
CAAP-19-0000163
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NO. CAAP-19-0000163

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

THE BANK OF NEW YORK MELLON TRUST CO., N.A.,
F/K/A/ THE BANK OF NEW YORK TRUST CO., N.A.,
AS TRUSTEE FOR MULTI-CLASS MORTGAGE PASS-THROUGH
CERTIFICATES CHASE FLEX TRUST SERIES 2007-1,
Plaintiff-Appellee, v. HENRY WILSON TOROMORENO, JR.;
ROSE MARY MENDONCA; JACQUELINE WALL DENISON,
Defendants-Appellees; LELAND H.Y. LOUIE, Trustee
of the Leland H.Y. Louie Revocable Trust dated
December 17, 1994 and ROSA Y. LOUIE, Trustee of the
Rosa Y. Louie Revocable Trust dated December 17, 1994,
Defendants-Appellants; ASSOCIATION OF APARTMENT
OWNERS OF PALMS AT WAIKIKI, Defendant-Appellee; and
John and Mary Does 1-20; Doe Partnerships,
Corporations or Other Entities 1-20, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CC161002272)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

1. Leland Louie and Rosa Louie, representing themselves, filed the notice of appeal creating this case on March 12, 2019, purportedly on behalf of Leland H.Y. Louie, Trustee of the Leland H.Y. Louie Revocable Trust dated December 17, 1994, and Rosa Y. Louie, Trustee of the Rosa Y. Louie Revocable Trust dated December 17, 1994;

2. Neither Leland Louie nor Rosa Louie are licensed to practice law in Hawaii;

3. A non-lawyer trustee may not represent the trust in litigation unless they are the real party in interest – that is, the sole beneficiary of the trust, Tradewinds Hotel, Inc. v. Cochran, 8 Haw. App. 256, 265, 799 P.2d 60, 66 (1990);

4. The Louies have the burden to show that they are the sole beneficiaries of their respective trusts, id.;

5. On May 5, 2021, we entered an order for supplemental briefing on "whether the Louies are entitled to assert the appeal on behalf of their respective trusts";

6. The Louies filed their supplemental brief on June 8, 2021, to which they attached copies of the "Short Form Trust Agreement of Leland H.Y. Louie" and the "Short Form Trust Agreement of Rosa Y. Louie";

7. The Short Form Trust Agreement of Leland H.Y. Louie does not identify the trust's beneficiaries;

8. The Short Form Trust Agreement of Rosa Y. Louie does not identify the trust's beneficiaries; and

9. The Louies have not sustained their burden to show that they are the sole beneficiaries of their respective trusts.

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 20, 2024.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge