

**Electronically Filed
Intermediate Court of Appeals
CAAP-23-0000549
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NO. CAAP-23-0000549

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

1900 CAPITAL TRUST III, BY US BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS
CERTIFICATE TRUSTEE, Plaintiff-Appellee,

v.

PAUL A. GARCIA; KIRAH-SHANTEL GARCIA; KEANE BOBBY BRAUN,
Defendants-Appellants; CAPITAL ONE BANK (USA), N.A.;
ASSET ACCEPTANCE, LLC; ASSOCIATION OF APARTMENT OWNERS
OF KAWAIKINI ESTATES; Defendants-Appellees,

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 FIFTH CIRCUIT
(CASE NO. 5CC151000158)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

1. The Complaint for Mortgage Foreclosure against
Defendants-Appellants Paul Allen Garcia, Kirah-Shantel Garcia,
and Keane Bobby Braun was filed on November 5, 2015, in the
Circuit Court of the Fifth Circuit;

2. The circuit court entered a **Foreclosure Judgment**
against Defendants-Appellants on June 27, 2019;

3. Defendants-Appellants did not file a post-judgment motion tolling the time to appeal from the Foreclosure Judgment under Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(3), or a notice of appeal from the Foreclosure Judgment within the time required by HRAP Rule 4(a)(1);

4. The circuit court entered a **Judgment Confirming Foreclosure Sale** on February 6, 2023;

5. Defendants-Appellants did not file a post-judgment motion tolling the time to appeal from the Judgment Confirming Foreclosure Sale under HRAP Rule 4(a)(3), or a notice of appeal from the Judgment Confirming Foreclosure Sale within the time required by HRAP Rule 4(a)(1);

6. Defendants-Appellants filed a "Motion to Void and Vacate Summary Judgment" on June 23, 2023;

7. Defendants-Appellants filed a "Motion to Vacate a Void Judgment" on June 27, 2023;

8. The circuit court entered orders denying Defendants-Appellants' June 23, 2023 motion and June 27, 2023 motion on March 22, 2024;

9. Defendants-Appellants did not file a notice of appeal from either of the March 22, 2024 orders within the time required by HRAP Rule 4(a)(1), and no extension of time was sought or granted;

10. Defendants-Appellants, representing themselves, filed their "**Notice of Appeal** and Informal Brief" creating CAAP-23-0000549 on September 20, 2023;

11. Defendants-Appellants purport to appeal from "the (a) denial of the reconsideration, and (b) appeal of the denial and unfavorable rulings in the first instance on every motion submitted and the final dispositive motions determinations"; and

12. Defendants-Appellants' Notice of Appeal is untimely. HRAP Rule 4(a)(1).

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction. All pending motions are dismissed.

DATED: Honolulu, Hawai'i, May 1, 2024.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge