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Intermediate Court of Appeals
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NO. CAAP-23-0000390

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWALT, INC.,
ALTERNATIVE LOAN TRUST 2006-OA21, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-OA21, Plaintiff-Appellee, v.
HANNAH KIM HEART; HANNAH KIM HEART, TRUSTEE UNDER
AN UNRECORDED REVOCABLE LIVING TRUST INSTRUMENT OF
HANNAH K. HEART DATED JUNE 1, 2006, Defendant-Appellant;
YEON HO KIM, Defendant-Appellee; JOHN DOES 1-50;
JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50;
DOE ENTITIES 1-50; and DOE GOVERNMENTAL UNITS 1-50, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CC131003271)

SUMMARY DISPOSITION ORDER

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

Hannah Kim **Heart**, representing herself, appeals from the June 5, 2025 *Amended Judgment* for The Bank of New York Mellon (**BONYM**) entered by the Circuit Court of the First Circuit.¹ We affirm.

BONYM filed a foreclosure complaint against Heart on December 16, 2013. On October 19, 2021, the Circuit Court entered an order granting BONYM's motion for summary judgment and

¹ The Honorable Steven R. Nichols signed the Amended Judgment.

interlocutory decree of foreclosure and a judgment (**Foreclosure Judgment**).² Heart did not appeal from the Foreclosure Judgment.

The commissioner's report on the foreclosure sale was filed on March 28, 2023. BONYM moved to confirm the sale. The motion was heard on June 7, 2023. The Circuit Court orally granted the motion and directed entry of a judgment.

Heart filed her notice of appeal on June 13, 2023. The *Order Approving Commissioner's Report and Granting Plaintiff's Motion for Confirmation of Foreclosure Sale, Allowance of Costs, Commissions and Fees, Distribution of Proceeds, Directing Conveyance and for Writ of Possession/ Ejectments* was entered on August 1, 2023. A judgment was entered on August 2, 2023. The Amended Judgment was entered on June 5, 2025, after a temporary remand.

Heart's opening brief does not comply with Rule 28(b) of the Hawai'i Rules of Appellate Procedure. We liberally interpret pleadings prepared by self-represented litigants and do not automatically foreclose them from appellate review because they violate court rules. Erum v. Llego, 147 Hawai'i 368, 380-81, 465 P.3d 815, 827-28 (2020). Consistent with the supreme court's policy to reach the merits of an appeal, Hous. Fin. & Dev. Corp. v. Ferguson, 91 Hawai'i 81, 85-86, 979 P.2d 1107, 1111-12 (1999), we address what we discern to be Heart's arguments.

Foreclosure cases are bifurcated into separately appealable parts: (1) the decree of foreclosure and the order of sale, and (2) all other orders. Mortg. Elec. Registration Sys., Inc. v. Wise, 130 Hawai'i 11, 16, 304 P.3d 1192, 1197 (2013). Heart's opening brief challenges the Foreclosure Judgment; it does not challenge the order granting BONYM's motion to confirm the foreclosure sale. Heart cannot challenge the merits of the Foreclosure Judgment in her appeal from the order confirming

² The Honorable Gary W.B. Chang presided.

sale. Bank of New York Mellon v. R. Onaga, Inc., 140 Hawai'i
358, 368, 400 P.3d 559, 569 (2017).

The Circuit Court's June 5, 2025 Amended Judgment for
BONYM is affirmed.

DATED: Honolulu, Hawai'i, June 27, 2025.

On the briefs:

Hannah K. Heart,
Self-represented
Defendant-Appellant.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

Justin S. Moyer,
for Plaintiff-Appellee.

/s/ Kimberly T. Guidry
Associate Judge