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Intermediate Court of Appeals
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NO. CAAP-23-0000646

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE
OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-E,
Plaintiff-Appellee, v. THOMAS MOSES JOHNSON III,
Defendant/Cross-claimant-Appellant, and
ASSOCIATION OF APARTMENT OWNERS OF KO'OLANI, INC.
Defendant/Cross-claim Defendant-Appellee and
THE BANK OF NEW YORK MELLON, A NEW YORK CORPORATION,
AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWHEQ REVOLVING HOME EQUITY LOAN TRUST,
SERIES 2006-F; MICHAEL HIROSHI NEKOBA;
DARYLE SACHIYE HIRANO NEKOBA; FIRST HAWAIIAN BANK;
OLD REPUBLIC NATIONAL TITLE COMPANY,
Defendants-Appellees, 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
(CIVIL NO. 1CCV-19-0002277)

ORDER GRANTING MOTION DISMISSING APPEAL

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

Upon consideration of Plaintiff-Appellee Wilmington
Savings Fund Society, FSB, as Owner Trustee of the Residential
Credit Opportunities Trust V-E's Motion for Order Dismissing

Appeal (**Wilmington**) filed on June 6, 2025, and having received no timely response in opposition from Defendant/Cross-claimant-Appellant Thomas Moses Johnson III (**Johnson**), and having reviewed the papers in support and the record, it appears that:

1. After Johnson filed an appeal of the October 2, 2023 order granting Wilmington's motion for summary judgment and interlocutory decree of foreclosure [1CCV-19-0002277 Dkt. 340], and the October 18, 2023 judgment [id. Dkt 348], he did not post a supersedeas bond or obtain a stay of proceedings before the Circuit Court.

2. On February 10, 2025, the Circuit Court entered an Order Approving Commissioner's Report and Granting Amended Second Renewed Motion for Confirmation of Foreclosure Sale, Allowance of Costs and Fees, Distribution of Proceeds, Directing Conveyance and for Writ of Possession/Ejectments, Filed Herein on November 5, 2024 (**Order Confirming Foreclosure Sale**). In the Order Confirming Foreclosure Sale, the Circuit Court determined that Zhuping Ye (**Ye**) or his nominee is a good faith purchaser of the subject property.

3. On April 16, 2025, Ye recorded in Land Court a Commissioner's Deed conveying the subject property to Ye and his wife.

4. This court takes judicial notice of the Order Confirming Foreclosure Sale and the Commissioner's Deed. Hawai'i Rules of Evidence Rule 201; State v. Abdon, 137 Hawai'i 19, 26, 364 P.3d 917, 924 (2016); Wilmington Sav. Fund Soc'y v. Mosier, No. CAAP-22-0000382, 2024 WL 3648929 at *2 (Haw. App. Aug. 5, 2024).

5. Because no effective relief can be granted, Johnson's appeal is dismissed as moot. Wilmington Sav. Fund Soc'y, FSB v. Domingo, 155 Hawai'i 1, 9-10, 556 P.3d 347, 355-56 (2024).

Therefore, IT IS ORDERED that the Motion for Order Dismissing Appeal is granted and the appeal is dismissed as moot.

DATED: Honolulu, Hawai'i, June 25, 2025.

/s/ Clyde J. Wadsworth
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge