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SCWC-21-0000438

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED
PASS-THROUGH CERTIFICATES, SERIES 2005-Q01,
Respondent/Plaintiff-Counterclaim Defendant-Appellee,

vs.

MICHAEL JON SZYMANSKI,
Petitioner/Defendant-Counterclaimant-Appellant,

and

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR
COUNTRYWIDE MORTGAGE VENTURES, LLC, dba WESTERN PARADISE
FINANCIAL; WAILEA COMMUNITY ASSOCIATION; WAILEA PUALANI ESTATES
HOMEOWNERS ASSOCIATION; WELLS FARGO BANK, N.A. AS INDENTURE
TRUSTEE FOR GMACM HOME EQUITY LOAN TRUST 2002-HE1, GMACM HOME
EQUITY LOAN-BACKED TERM NOTES 2002-HE1,
Respondents/Defendants-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-21-0000438; CAAP-22-0000588; CASE NO. 2CC181000015)

SUMMARY DISPOSITION ORDER

(By: McKenna, Acting C.J., Eddins, Ginoza, and Devens, JJ., and
Circuit Judge Kawamura, in place of Recktenwald, C.J., recused)

Michael Jon Szymanski and Deutsche Bank Trust Company
Americas disagree on the statute of limitations for mortgage

foreclosure actions. This court had not opined on that issue since the early 1900s - until our recent decision in Bank of New York Mellon, as Tr. For Certificateholders of CWABS, Inc. Asset-Backed Certificates, Series 2006-11 v. White, ___ P.3d ___, 2025 WL 2254625 (Haw. Aug. 7, 2025).

We hold that, based on White, Deutsche Bank's mortgage foreclosure action was not time-barred. The statute of limitations for mortgage foreclosure actions is twenty years.

I.

In 2005, Szymanski entered into a mortgage with Homecomings Financial Network, Inc. (Homecomings), secured by the subject property. Szymanski stopped making mortgage payments in November 2008.

Homecomings assigned the mortgage to Aurora Loan Services (Aurora) in March 2009.

In August 2010, Aurora filed a foreclosure action against Szymanski. The circuit court dismissed that action without prejudice for want of prosecution.

Aurora assigned the mortgage to Nationstar Mortgage LLC (Nationstar). Nationstar sent Szymanski a notice of default. It said Szymanski would need to pay his outstanding mortgage loan debt to cure his default. Otherwise, acceleration and foreclosure may result, the notice warned. Szymanski did not cure.

In September 2015, Nationstar assigned the mortgage to Deutsche Bank. Deutsche Bank filed a foreclosure action in January 2018 in the Circuit Court of the Second Circuit.

Szymanski countered. He raised many defenses including that the mortgage foreclosure statute of limitations had run. Szymanski also filed counterclaims against Deutsche Bank.

Deutsche Bank moved for summary judgment. The circuit court granted that motion. Deutsche Bank had twenty years to foreclose on Szymanski's mortgage. Szymanski moved for reconsideration. The court denied the motion.

Szymanski also moved to vacate the court's summary judgment order. The court denied the motion. Then he moved for reconsideration, and the court denied that motion, too.

Szymanski filed two separate appeals at the Intermediate Court of Appeals (ICA). The ICA consolidated the appeals.

The ICA vacated the circuit court's judgment, and vacated in part and affirmed in part the foreclosure decree. Relevant to this appeal, the ICA affirmed the circuit court's determination that Deutsche Bank's mortgage foreclosure action was not time-barred because the statute of limitations for those actions is twenty years.

Szymanski applied for cert on several grounds. Per Hawai'i Rules of Appellate Procedure Rule 40.1, we accepted only the statute of limitations question.

II.

Hawai'i Revised Statutes (HRS) chapter 657 provides different statutes of limitations for different types of actions. HRS § 657-1 (2016) sets a six-year statute of limitations for debt recovery actions founded on a contract. HRS § 657-31 (2016) sets a twenty-year statute of limitations for actions to "recover possession of any lands, or make any entry thereon[.]"

Szymanski says HRS § 657-1's six-year statute of limitations applies to mortgage foreclosure actions.

Deutsche Bank disagrees. It says HRS § 657-31's twenty-year statute of limitations applies.

Deutsche Bank is right.

As we held in White, the statute of limitations for mortgage foreclosure actions is twenty years. 2024 WL 2254625, at *4.

III.

Based on White, the statute of limitations for mortgage foreclosure actions is twenty years per HRS § 657-31.

We affirm the ICA's judgment on appeal.

DATED: Honolulu, Hawai'i, August 12, 2025.

Keith M. Kiuchi
(on the briefs)
for petitioner

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

Charles R. Prather, Robin L.
Miller, Sun Young Park, and
Peter T. Stone (on the briefs)
for respondent

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

/s/ Shirley M. Kawamura

