

**Electronically Filed
Intermediate Court of Appeals
CAAP-24-0000691
22-OCT-2026
10:17 AM
Dkt. 138 SO**

NO. CAAP-24-0000691

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

PENNYMAC LOAN SERVICES, LLC,
Plaintiff-Appellee,
v.
RONNIE LOUIS MARVEL KAHAPEA; SUNSHINE MAHANA HATSUKO KAHAPEA,
Defendants-Appellants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CCV-22-0000232)

SUMMARY DISPOSITION ORDER
(By: Nakasone, Chief Judge, McCullen and Guidry, JJ.)

In this appeal, self-represented Defendants-Appellants Ronnie Louis Marvel Kahapea and Sunshine Mahana Hatsuko Kahapea (collectively, the **Kahapeas**) challenge the entry of a foreclosure decree on summary judgment, on the grounds of alleged lack of notice and lack of standing. We affirm.

The Kahapeas appeal from the Circuit Court of the Third Circuit's (**Circuit Court**)¹ September 26, 2024 "Findings of Fact, Conclusions of Law and Order Granting Plaintiff/

¹ The Honorable Peter K. Kubota presided.

Counterclaim Defendant Pennymac Loan Services, LLC's [(**Pennymac**)] Motion for Summary Judgment Against All Defendants and for Interlocutory Decree of Foreclosure" (**Order Granting MSJ**), "Judgment," and "Notice of Entry of Judgment" (**Judgment**), entered in favor of Pennymac.²

On appeal, the Kahapeas raise two points of error (**POEs**), contending that the Circuit Court erred by **(1)** "refus[ing] to allow participation in the [MSJ] hearing" and thus violating their "constitutional right to due process"; and **(2)** granting summary judgment in favor of Pennymac without establishing Pennymac's "standing to claim the property as a creditor."³

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised, we resolve the Kahapeas' contentions as follows.

² The Kahapeas' October 21, 2024 "Notice of Appeal" indicates they are appealing from the MSJ itself and not the order resolving it, and the minutes of the August 8, 2024 hearing on the motion. While a motion and court minutes are not appealable final orders or judgments, the Kahapeas' intent to appeal the judgment is discernible, and we construe the Notice of Appeal as appealing the Order Granting MSJ and the Judgment. See Erum v. Llego, 147 Hawai'i 368, 380-81, 465 P.3d 815, 827-28 (2020) (liberally construing filings of self-represented litigants "to facilitate access to justice" and to allow them opportunities for appellate review despite non-compliance with court rules (citations omitted)).

³ The Kahapeas' POEs have been consolidated, reorganized, and renumbered for clarity. While their Opening Brief does not comply with Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 28(b), we liberally construe their pleadings to promote access to justice. See id. In their Reply Brief, the Kahapeas also appear to raise additional issues beyond what they raised in their Opening Brief. We do not address them. See Campos v. Plan. Comm'n, 153 Hawai'i 386, 404, 539 P.3d 170, 188 (App. 2023) (holding that "[p]oints raised for the first time in a reply brief are deemed waived" (citation omitted)); HRAP Rule 28(d) ("The reply brief shall be confined to matters presented in the answering brief.").

The record reflects that Pennymac filed its foreclosure complaint (**Complaint**) against the Kahapeas on August 12, 2022. After multiple extensions of time to serve the Complaint, on February 6, 2024 the Circuit Court granted Pennymac leave to serve the Complaint by certified mail. While such service was pending, the Kahapeas filed a March 1, 2024 "Notice of Appearance," and multiple filings on March 6, 2024, including a counterclaim. All of the March 1 and 6, 2024 filings reflected an identical "P.O. Box 875" address as the Kahapeas' return address. On March 28, 2024, Pennymac filed a notice of service indicating that the Kahapeas had been served with the Complaint by certified mail at the same "P.O. Box 875" address, and attached certified mail receipts signed by the Kahapeas.

On July 22, 2024, Pennymac filed its MSJ. Pennymac's "Notice of Hearing" attached to its MSJ reflected the Kahapeas were served "via U.S. Mail" at the same "P.O. Box 875" address. Pennymac's counsel's "Certificate of Service" certified that the Motion was served on the Kahapeas at the same P.O. Box address.

The Circuit Court conducted a hearing on the MSJ on August 8, 2024, at which the Kahapeas did not appear. The Kahapeas did not file any opposition or papers responding to the MSJ. Following the hearing, the Circuit Court filed its September 26, 2024 Order Granting MSJ and Judgment, and the Kahapeas timely appealed.

(1) In support of their contention regarding the Circuit Court's alleged "refusal" to allow them to participate in the MSJ hearing, the Kahapeas argue that "no certificate of service was provided" for the MSJ filed on July 22, 2024, and they "were never properly notified of the [MSJ] or the hearing date . . . depriv[ing] [them] of the opportunity to respond," in

violation of Hawai'i Rules of Civil Procedure Rule 5 and due process requirements under the federal and state constitutions. Pennymac counters that it "properly gave notice of its MSJ to [the Kahapeas] via U.S. Mail to . . . the address [the Kahapeas] listed on their Counterclaim."

Here, the record reflects that the MSJ contained a "Notice of Hearing" and "Certificate of Service" indicating service upon the Kahapeas "via U.S. Mail" at the P.O. Box 875 address. The record does not support the Kahapeas' claims of inadequate notification of the MSJ hearing or lack of a "certificate of service." The Kahapeas do not point to anything in the record pertinent to the MSJ hearing that supports their contention that the Circuit Court "refus[ed] to allow participation in the foreclosure hearing." See HRAP Rule 28(b) (7).

(2) The Kahapeas challenge the foreclosure for lack of "proof of **valid and verified chain of title** as holder or standing to claim the property as a creditor to the transaction or agreement/ originating contract."

The Kahapeas did not oppose the MSJ. Legal arguments raised for the first time on appeal are waived. See Hawaii Ventures, LLC v. Otaka, Inc., 114 Hawai'i 438, 500, 164 P.3d 696, 758 (2007) (citation omitted).

Assuming arguendo the Kahapeas' challenge is not waived, "[a] lender is not required to prove the validity of every transfer in the chain of title before it may foreclose on a property." Bank of N.Y. Mellon v. Rumbawa, No. CAAP-15-0000024, 2016 WL 482170, at *2 (Haw. Feb. 4, 2016) (SDO). Pennymac provided evidence in its MSJ to establish its standing to foreclose, of an April 26, 2022 Bailee Letter reflecting Pennymac's counsel's receipt and possession of the original note

and allonges before the August 12, 2022 Complaint was filed. See Bank of Am., N.A. v. Reyes-Toledo, 139 Hawai'i 361, 390 P.3d 1248 (2017) (requiring foreclosing plaintiff to establish standing and entitlement to enforce the note by possession of the note at the time the complaint is filed). The Circuit Court's conclusion that "[Pennymac] was the holder of the Note, indorsed in blank at the time the Complaint was filed" was supported by the MSJ evidence.

For the foregoing reasons, we affirm the September 26, 2024 Order Granting MSJ and Judgment, entered by the Circuit Court of the Third Circuit.

It is further ordered that the October 12, 2026 Appellant's Motion for Retention of Oral Argument is denied.

DATED: Honolulu, Hawai'i, October 22, 2026.

On the briefs:

Ronnie Louis Marvel Kahapea, Sunshine Mahana Hatsuko Kahapea, Self-represented Defendants-Appellants.	/s/ Karen T. Nakasone Chief Judge
	/s/ Sonja M.P. McCullen Associate Judge
Charles R. Prather, for Plaintiff-Appellee.	/s/ Kimberly T. Guidry Associate Judge