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NO. CAAP-25-0000474

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

WILMINGTON SAVINGS FUND SOCIETY, FSB,
D/B/A CHRISTIANA TRUST AS OWNER TRUSTEE OF THE
RESIDENTIAL CREDIT OPPORTUNITIES TRUST III, Plaintiff-Appellee,
v.

PUNOHU KEKAUALUA III, Defendant-Appellant,
and

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. 5CCV-20-0000108)

SUMMARY DISPOSITION ORDER

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

Self-represented Defendant-Appellant Punohu Kekauualua
III (**Kekauualua**) appeals from the Circuit Court of the Fifth
Circuit's (**circuit court**)¹ "Order Denying [Kekauualua's] Motion to
Vacate Judgment Pursuant to [Hawai'i Rules of Civil Procedure

¹ The Honorable Michael K. Soong presided.

(**HRCP**)] Rule 60(b)(4), Filed May 6, 2025" (**Order Denying Motion to Vacate**) .

Upon careful review of the record, briefs, and relevant legal authorities, and having given due consideration to the arguments advanced and the issues raised by the parties, we affirm the Order Denying Motion to Vacate entered in favor of Plaintiff-Appellee Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust as Owner Trustee of the Residential Credit Opportunities Trust III (**Wilmington Savings**) .

Kekaulua raises seven points of error on appeal, contending that the circuit court erred because: (1) it "denied the ["Motion to Vacate Pursuant to HRCP Rule 60(b)(4)" (**Motion to Vacate**)] despite the [Temporary Restraining Order (**TRO**)] acknowledging 'title is in dispute'"; (2) it "improperly relied on unsworn counsel declarations as evidence"; (3) "[e]quity jurisdiction was not applied to halt ejectment where title was unsettled"; (4) "[f]iduciary duties owed to Native Hawaiian rights and lands were disregarded"; (5) "[Wilmington Savings] failed to prove superior title due to deed defects"; (6) it "ignored unrebutted affidavits"; and (7) "[t]he ejectment caused wrongful injuries and deprivation of rights."²

² Kekaulua's opening brief, including his "points of error," do not comply with Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 28(b). Although we are not obligated to search the record to crystallize Kekaulua's arguments, Hawaii Ventures, LLC v. Otaka, Inc., 114 Hawai'i 438, 469 n.16, (continued . . .)

Kekaulua's underlying contention is that he was wrongfully ejected from "Native Hawaiian lands" to which Wilmington Savings did not hold title. This court explained the factual basis for Kekaulua's contention in its summary disposition order (**SDO**) entered in case no. CAAP-21-0000186, which affirmed the circuit court's April 1, 2021 Final Judgment in the underlying case.³ As this court explained,

It is essentially undisputed that, *inter alia*: Wilmington Savings acquired title under a Commissioner's Deed in a prior foreclosure case; Kekaulua was a stranger to the borrowers and the subject property (**Property**), but nevertheless attempted to assert an interest in the Property, which was rejected in the foreclosure court and on appeal, but Kekaulua nevertheless moved into the Property and had to be evicted, and Kekaulua subsequently recorded a deed for the Property with the State of Hawai'i Bureau of Conveyances, from himself to himself, and has taken other actions (e.g., seeking TROs against Wilmington Savings' realtor) that have significantly interfered with Wilmington [Savings'] property rights. Kekaulua's oral explanation of a purported interest is loosely based on his assertion of a possibility that he has rights in the Property based on his genealogy and the assertion that there is no treaty of annexation here in Hawai'i, which is

²(. . . continued)

164 P.3d 696, 727 n.16 (2007), and noncompliance with HRAP Rule 28(b) can alone be sufficient to affirm the circuit court's judgment, Bettencourt v. Bettencourt, 80 Hawai'i 225, 228, 909 P.2d 553, 556 (1995) (citation omitted), we nevertheless endeavor to afford "litigants the opportunity to have their cases heard on the merits, where possible." Marvin v. Pflueger, 127 Hawai'i 490, 496, 280 P.3d 88, 94 (2012) (cleaned up).

³ The circuit court's Final Judgment granted summary judgment in favor of Wilmington Savings. On appeal, Kekaulua (who was then represented by counsel) contended, *inter alia*, that the circuit court erred by granting summary judgment based upon inadmissible evidence and despite genuine issues of material fact; by rejecting Kekaulua's request for a continuance to obtain a Hawaiian Language interpreter to translate documents from the Great Mahele so he could prepare a response; and by awarding attorney's fees to Wilmington Savings. This court, in its SDO affirming the Final Judgment, concluded that Kekaulua sought to raise evidentiary objections raised for the first time on appeal, and "[u]nder the circumstances of this case, the [c]ircuit [c]ourt did not abuse its discretion in denying Kekaulua's request for two or three more months to research the Great Mahele to try to substantiate a claim to the Property."

in "military occupation," and in the rules of war, as a Kingdom of Hawai'i national, he has rights to seek shelter and refuge, and he "took part in this" to provide a home and a place to grow food for his family.

Shortly after this court's Judgment on Appeal was entered in CAAP-21-0000186, Kekaulua filed the Motion to Vacate in the underlying case, in which he represented that,

This motion is based on the fundamental legal discrepancy that the alleged events, enforcement actions, and [Kekaulua's] residence are located on the island and in the county of Kaua'i, which is a distinct geographical and legal jurisdiction from the STATE OF HAWAII as defined under federal law. The STATE OF HAWAII has never lawfully established or proven jurisdictional authority over the physical territory of Kaua'i, and therefore the judgment is void for want of territorial jurisdiction.

On this basis, Kekaulua requested "[t]hat all judgments, writs, and enforcement orders be vacated as void under [HRC] Rule 60(b)(4)[,]"⁴ "[t]hat further actions be stayed pending a proper jurisdictional review[,]" "[t]hat [the circuit court] acknowledge the lack of jurisdiction based on territorial overreach[,]" and "[a]ny further relief the [circuit court] deems just and proper."⁵

⁴ HRC Rule 60(b) states, in relevant part,

Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: . . . (4) the judgment is void[.]

⁵ Kekaulua submitted an "Affidavit of Support, Lineal Standing, and Notice of Exclusive Equity Jurisdiction," and a "Supplemental Affidavit of Standing, Equity Notice, and Formal Response to [Wilmington Savings'] Misrepresentation of Record" (collectively, the **Affidavits**), in support of his jurisdictional argument. The Affidavits were signed by purported "third-

(continued . . .)

The circuit court denied Kekaulua's Motion to Vacate, and Kekaulua filed the instant appeal. We review a circuit court's denial of an HRCF Rule 60(b)(4) motion to vacate de novo. James B. Nutter & Co. v. Namahoe, 153 Hawai'i 149, 162, 528 P.3d 222, 235 (2023) ("[U]nder HRCF Rule 60(b)(4), an order is void only if the court that rendered it lacked jurisdiction of either the subject matter or the parties or otherwise acted in a manner inconsistent with due process of law. As such, a denial of a HRCF Rule 60(b)(4) motion is reviewed de novo." (cleaned up)).

This court has previously recognized that "there is no factual (or legal) basis for concluding that the Hawaiian Kingdom exists as a state in accordance with recognized attributes of a state's sovereign nature." State v. French, 77 Hawai'i 222, 228, 883 P.2d 644, 650 (App. 1994) (cleaned up) (quoting State v. Lorenzo, 77 Hawai'i 219, 221, 883 P.2d 641, 643 (App. 1994)); see also State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013) ("Whatever may be said regarding the lawfulness of its origins, the State of Hawai'i is now, a lawful government. Individuals claiming to be citizens of the Kingdom and not of the State are not exempt from application of the

⁵(. . . continued)
party affiant" Roslyn Cummings, but neither Affidavit was notarized as a sworn statement.

State's laws." (cleaned up)). Kekaulua's contention that the circuit court lacked jurisdiction to enter judgment in favor of Wilmington Savings therefore lacked merit, and the circuit court was not wrong in denying Kekaulua's HRCF Rule 60(b)(4) motion.

For the foregoing reasons, we affirm the Order Denying Motion to Vacate.

DATED: Honolulu, Hawai'i, October 27, 2026.

On the briefs:	/s/ Keith K. Hiraoka Presiding Judge
Punohu Kekaulua III, Self-represented Defendant-Appellant.	/s/ Clyde J. Wadsworth Associate Judge
Charles R. Prather, for Plaintiff-Appellee.	/s/ Kimberly T. Guidry Associate Judge