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Intermediate Court of Appeals  
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NOS. CAAP-16-0000679 AND CAAP-16-0000782

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

**CAAP-16-0000679**

BENJAMIN PAUL KEKONA and TAMAE M. KEKONA,  
Plaintiffs/Counterclaim-Defendants/Appellees,

v.

PAZ F. ABASTILLAS, also known as PAZ A. RICHTER,  
ROBERT A. SMITH, personally,  
Defendants/Counterclaim-Plaintiffs/Appellees,

and

ROBERT A. SMITH, Attorney at Law, A Law Corporation,  
STANDARD MANAGEMENT, INC., U.S. BANCORP MORTGAGE  
COMPANY, an Oregon Company, WESTERN SURETY  
COMPANY, Sued herein as Doe Entity 1,  
Defendants-Appellees,

and

MICHAEL BORNEMANN, M.D., Defendant-Appellant,

and

JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS  
1-10; DOE ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 93-3974-10)

**CAAP-16-0000782**

BENJAMIN PAUL KEKONA and TAMAE M. KEKONA,  
Plaintiffs/Counterclaim-Defendants/Appellees,

v.

PAZ F. ABASTILLAS, also known as PAZ A. RICHTER,  
ROBERT A. SMITH, personally,  
Defendants/Counterclaim-Plaintiffs/Appellants,

and

ROBERT A. SMITH, Attorney at Law, A Law Corporation,  
STANDARD MANAGEMENT, INC., MICHAEL BORNEMANN, M.D.,  
U.S. BANCORP MORTGAGE COMPANY, an Oregon Company,

EXHIBIT C

WESTERN SURETY COMPANY, Sued herein as Doe  
Entity 1, Defendants-Appellees,  
and  
JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS  
1-10; DOE ENTITIES 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 93-3974-10)

JUDGMENT ON APPEAL

(By: Ginoza, Chief Judge, for the court<sup>1</sup>)

Pursuant to the Memorandum Opinion of this court entered on November 30, 2018, the "Consolidated Third Amended Revised Final Judgment" entered by the Circuit Court of the First Circuit on September 19, 2016, is vacated only as to its declaration canceling and voiding deeds related to the Kāne'ohe property and declaring that Defendant Michael Bornemann shall have no right, title, interest or other benefit under those deeds.

In all other respects, the "Consolidated Third Amended Revised Final Judgment" is affirmed.

The case is remanded to the circuit court for further proceedings consistent with the Memorandum Opinion.

DATED: Honolulu, Hawai'i, January 4, 2019.

FOR THE COURT:

*Isaiah King*  
Chief Judge

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<sup>1</sup> Ginoza, Chief Judge, Leonard and Reifurth, JJ.