

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PATSY N. SAKUMA - PETITIONER PRO SE
(Your name)

vs.

ASSOCIATION OF CONDOMINIUM HOME OWNERS -RESPONDENTS
OF TROPICS AT WAIKELE, BY ITS
BOARD OF DIRECTORS, ET. AL.

ON PETITION FOR WRIT OF CERTIORARI
TO THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

VOLUME I OF III
APPENDICES 01-88 TO
PETITION FOR WRIT OF CERTIORARI

PATSY N. SAKUMA
Petitioner Pro Se
1232 Makaloa Street # 7
Honolulu, HI 96814
808-454-3171

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Association of Condominium Homeowners of Tropics at Waikeli...

Association of Condominium Homeowners of Tropics at Waikeli by Board of Directors v. Sakuma, 148 Hawai'i 471, Hawai'i App., December 18, 2020

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148 Hawai'i 471

Unpublished Disposition

Unpublished disposition. See HI R RAP Rule 35 before citing.
Intermediate Court of Appeals of Hawai'i.

**ASSOCIATION OF CONDOMINIUM HOMEOWNERS OF TROPICS AT
WAIKELE, BY its BOARD OF DIRECTORS, Plaintiff-Appellee,**

v.

**Patsy Naomi SAKUMA, Defendant-Appellant,
and**

**First Hawaiian Bank, a Hawaii Corporation; Waikeli Community
Association, a Hawaii Nonprofit Corporation, Defendants-Appellees,
and**

**John Does 1-5; Jane Does 1-5; Doe Partnerships 1-10; Doe Entities 1-5;
and Doe Governmental Units 1-5, Defendants**

NO. CAAP-16-0000627 December 18, 2020

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT (CIVIL NO. 07-1-1487)

Attorneys and Law Firms

On the briefs:

Pat N. Sakuma, Defendant-Appellant pro se.

R. Laree McGuire, H. Maxwell Kopper, Honolulu, for Plaintiff-Appellee.

Jonathan W.Y. Lai, Tracey L. Ohta, Honolulu, for Defendant-Appellee.

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SUMMARY DISPOSITION ORDER

¶1 This case arises from a judicial foreclosure action commenced by Plaintiff-Appellee Association of Condominium Homeowners of **Tropics at Waikiki** (AOAO) against Defendant-Appellant Patsy Naomi Sakuma (**Sakuma**) and Defendant-Appellee First Hawaiian Bank. Sakuma, self-represented, appeals from the August 15, 2016 "Order Denying [Sakuma's] Motion for Reconsideration of the March 22, 2016 Order Denying [Sakuma's] Motion to Vacate Default Judgment; Summary Judgment Against Sakuma; Interlocutory Decree of Foreclosure; Order Granting [AOAO's] Motion for Order for Confirmation of Sale by Commissioner; May 12, 2013¹ Judgment; Judgment for Possession; Writ of Possession, Filed December 8, 2015" (**Order Denying Motion for Reconsideration**), entered by the Circuit Court of the First Circuit (**circuit court**).²

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 by the parties, we conclude that Sakuma's appeal is moot.

Sakuma challenges both the March 22, 2016 order denying her December 8, 2015 Hawai'i Rules of Civil Procedure (HRCP) Rule 60(b) motion to vacate, as well as the August 15, 2016 Order Denying Motion for Reconsideration.

In a previous appeal by Sakuma from the same underlying case, Civil No. 07-1-1487-08 in the First Circuit Court, we dismissed the appeal as moot and the Hawai'i Supreme Court denied Sakuma's application for writ of certiorari. Assoc. of Condo. Homeowners of **Tropics at Waikiki** ex rel. Bd. of Dirs. v. Sakuma, No. CAAP-12-0000870, 2016 WL 299530, (Haw. App. Jan. 21, 2016) (SDO), cert. denied, No. SCWC-12-0000870, 2016 WL 6804410 (Nov. 1, 2016). In that prior appeal, Sakuma appealed from the order confirming the foreclosure sale, the judgment for possession, and the writ of possession, all entered on May 29, 2012. Id. at *1. She also challenged the denial of her June 7, 2012 motion for reconsideration of the May 29, 2012 order confirming the foreclosure sale. Id. We analyzed whether the mootness doctrine applied, stating:

The general rule is that the right of a good faith purchaser "to receive property acquired at a judicial sale cannot be affected by the reversal of an order ratifying the sale where a [supersedeas] bond has not been filed[.]" Leisure Campground & Country Club Ltd. Partnership v. Leisure Estates, 280 Md. 220, 223, 372 A.2d 595, 598 (1977). See also Citibank, N.A. v. Data Lease Fin. Corp., 645 F.2d 333, 336 (5th Cir. 1981). The purpose of the rule is to advance "the stability and productiveness of judicial sales[.]" 47 Am. Jur. 2d Judicial Sales § 55 (1969). An exception to the rule is where the reversal is based on jurisdictional grounds. Id. at § 54. The second exception is where the purchaser is the mortgagee since he "does not free himself from the underlying dispute to which he is a party[.]" Leisure Campground, 280 Md. at 223, 372 A.2d at 598. See also 47 Am. Jur. 2d Judicial Sales §§ 59–61.

² Id. at *1 (quoting City Bank v. Saje Venture II, 7 Haw. App. 130, 133, 748 P.2d 812, 814 (1988)).³
We held:

The record on appeal includes the Distribution Statement and Account of Commissioner; Exhibit "A" (Distribution Statement) and Certificate of Service, filed on July 2, 2012. The Distribution Statement confirms that the sale of the Property was closed, through Title Guaranty

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Escrow Services, Inc., on July 2, 2012. Sakuma failed to obtain a stay of the sale transaction, the completed sale of the Property rendered this appeal moot, and, upon review, no exceptions to the mootness doctrine apply. [Lathrop v. Sakatani, 111 Hawai'i 307, 313-315, 141 P.3d 480, 486-88 (2006).]

Id. at *2. We therefore dismissed Sakuma's prior appeal as moot. *Id.*

The relief Sakuma ultimately seeks through the motion to vacate and the motion to reconsider that are the subject of the current appeal is to vacate the very orders and judgments that were the subject of the previous appeal, as well as orders and judgments that led thereto. Thus, for the same reasons that we deemed the previous appeal to be moot, the issues raised in this appeal are also moot. See *Kaho'ohanohano v. State*, 114 Hawai'i 302, 332, 162 P.3d 696, 726 (2007) ("[A] case is moot if the reviewing court can no longer grant effective relief." (citation and emphasis omitted)). Although Sakuma attempts to argue that the exceptions to mootness apply, her arguments have no merit. Furthermore, we already held in the previous appeal that no exceptions to the mootness doctrine applied. *Assoc. of Condo. Homeowners of Tropics* ¹ at *Waikeli* ² ex rel. Bd. of Dirs., 2016 WL 299530, at *2. Sakuma has not raised any new arguments that defeat application of the mootness doctrine to the issues raised in this appeal.

Accordingly, we dismiss this appeal as moot.

All Citations

148 Hawai'i 471, 478 P.3d 296 (Table), 2020 WL 7421703

Footnotes

1

There was no judgment, judgment for possession, or writ of possession filed on May 12, 2013, in this matter. This was a typographical error initially made by Sakuma in her motion to vacate that went uncorrected. It appears that Sakuma was referring to the judgment, judgment for possession, and writ of possession, all filed on May 29, 2012.

2

The Honorable Bert I. Ayabe presided.

3

The Hawai'i Supreme Court has since adopted this court's general rule stated in *City Bank*. See *Bank of New York Mellon v. R. Onaga, Inc.*, 140 Hawai'i 358, 366-67, 400 P.3d 559, 567-68 (2017).

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NO. CAAP-16-0000627
IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

ASSOCIATION OF CONDOMINIUM HOMEOWNERS OF TROPICS AT WAIKELE,
BY ITS BOARD OF DIRECTORS, Plaintiff-Appellee,

v.

PATSY NAOMI SAKUMA, Defendant-Appellant,
and

FIRST HAWAIIAN BANK, A HAWAII CORPORATION; WAIKELE COMMUNITY
ASSOCIATION, A HAWAII NONPROFIT CORPORATION,
Defendants-Appellees,
and

JOHN DOES 1-5; JANE DOES 1-5; DOE PARTNERSHIPS 1-10;
DOE ENTITIES 1-5; and DOE GOVERNMENTAL UNITS 1-5, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 07-1-1487)

JUDGMENT ON APPEAL
(By: Ginoza, Chief Judge, for the court¹)

Pursuant to the Summary Disposition Order of this court
entered on December 18, 2020, this appeal is dismissed as moot.

DATED: Honolulu, Hawai'i, January 22, 2021.

FOR THE COURT

/s/ Lisa M. Ginoza
Chief Judge

¹ Ginoza, Chief Judge, Wadsworth and Nakasone, JJ.

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Association of Condominium Homeowners of Tropics at Waikeli...

Association of Condominium Homeowners of Tropics at Waikeli by Board of Directors v. Sakuma, Not Reported in Pac. Rptr., Hawai'i, May 05, 2021

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2021 WL 1784799

Only the Westlaw citation is currently available.

Unpublished opinion. See HI R RAP Rule 35 before citing.
Supreme Court of Hawai'i.

**ASSOCIATION OF CONDOMINIUM HOMEOWNERS OF TROPICS AT
WAIKELE, BY its BOARD OF DIRECTORS, Respondent/Plaintiff-Appellee,
v.**

**Patsy Naomi SAKUMA, Petitioner/Defendant-Appellant,
and**

**First Hawaiian Bank, a Hawai'i corporation; and Waikeli Community
Association, a Hawai'i nonprofit corporation, Respondents/Defendants-
Appellees**

SCWC-16-0000627 May 5, 2021

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (CAAP-16-0000627; CIV. NO. 1CC071001487)

(By: Nakayama, Acting C.J., McKenna, Wilson, and Eddins, JJ., with Circuit Judge Tonaki, in place of Recktenwald, C.J., recused.)

ORDER REJECTING APPLICATION FOR WRIT OF CERTIORARI

Petitioner/Defendant-Appellant Patsy Sakuma's application for writ of certiorari filed on March 23, 2021, is hereby rejected.

All Citations

Not Reported in Pac. Rptr., 2021 WL 1784799

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