

RCO Hawaii, LLLC
Robin Miller 7982
900 Fort Street Mall, Suite 800
Honolulu, HI 96813
Telephone: (808) 532-0090
Fax: (808) 524-0092

Attorney for Plaintiff

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2014 APR 10 AM 10:42

A. MARPLE
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, SUCCESSOR BY
MERGER WITH CHASE HOME
FINANCE, LLC,

Plaintiff,

vs.

TSUNG-JUNG CHEN; SU-CHING
BACON; ASSOCIATION OF
APARTMENT OWNERS OF
PEARLRIDGE SQUARE; JOHN DOES 1-
50; JANE DOES 1-50; DOE
PARTNERSHIPS 1-50; DOE
CORPORATIONS 1-50; DOE ENTITIES 1-
50; and DOE GOVERNMENTAL UNITS 1-
50,

Defendants.

CIVIL NO. 11-1-2539-10
(FORECLOSURE)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR ORDER CONFIRMING
FORECLOSURE SALE, ALLOWANCE
OF COSTS, COMMISSIONS, FEES,
DIRECTING CONVEYANCE AND FOR
WRIT OF POSSESSION FILED
JANUARY 31, 2014; EXHIBIT "A"**

Hearing Scheduled For:

Date: February 27, 2014

Time: 9:00am

Judge: Honorable Bert I. Ayabe

No Trial Date Set

**ORDER GRANTING PLAINTIFF'S MOTION FOR ORDER
CONFIRMING FORECLOSURE SALE, ALLOWANCE OF COSTS,
COMMISSIONS, FEES, DIRECTING CONVEYANCE AND
FOR WRIT OF POSSESSION FILED JANUARY 31, 2014**

Plaintiff's *Motion for Order Confirming Foreclosure Sale, Allowance of Costs,
Commissions, Fees, Directing Conveyance and For Writ of Possession*, filed herein on
January 31, 2014, was heard on February 27, 2014, before the Honorable Bert I. Ayabe.

Order Granting Motion to Confirm Sale- Page 1
File No. 7699.50178

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit

Plaintiff, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER WITH CHASE HOME FINANCE, LLC (“Plaintiff”) was represented by Michael G.K. Wong, Esq., RCO Hawaii, LLLC. Also appearing was Commissioner Patricia Kim Park (“Commissioner”), duly appointed by this Court pursuant to the Interlocutory Decree of Foreclosure previously filed herein. No other parties appeared.

The Court having considered the motion, Commissioner’s Report, declarations, memoranda and exhibits presented in support of the motion, noting that there was no opposition to the motion, makes the following findings which are further and in addition to those set forth in the Findings of Fact heretofore filed in this Court on September 17, 2013 to wit:

FINDINGS OF FACT

1. That the Commissioner appointed by the *Interlocutory Decree of Foreclosure*, filed herein on September 17, 2013 (hereinafter “Decree”), did advertise for sale and at public auction at 12:00 noon on December 4, 2013 at the entrance to 777 Punchbowl Street, Honolulu, HI 96813, did sell, subject to this Court’s confirmation, the property located at 98-288 Kaonohi Street Apt. 3602, Aiea, HI 96701 as described in the Decree and in Exhibit “A” attached hereto (“Property”), all pursuant to and in accordance with this Court’s decree and order; that the sale by said Commissioner was legally made and fairly conducted; that said Decree has in all respects been complied with by said Commissioner and that the sale to Ronald W. S. Tom or his nominee of the property for \$348,000.00 is proper and said price is fair and equitable and as high as that which can be obtained under the circumstances.

2. That the amounts due to Plaintiff on its Note and Mortgage in accordance with the Decree heretofore entered by this Court are as follows:

Principal	\$274,865.69
Interest (1/1/09 to 12/31/12 at Variable rate)	\$82,459.68
Pre-Acceleration Late Charges	\$1,183.08
Escrow	
Escrow Deficiency-Real Estate	
Taxes for the year 2012	\$814.98
Escrow Deficiency-Real Estate	
Taxes for the year 2011	\$1,200.03
Escrow Deficiency-Real Estate	
Taxes for the year 2010	\$2,012.03
Previous years taxes	\$179.33
Hazard Insurance	\$0.00
Mortgage Insurance Premium/ Private Mortgage Insurance	\$0.00
Credits	<u>\$0.00</u>
Total Escrow	\$4,206.37
Broker's Price Opinion/Appraisals	\$0.00
Property Preservation	\$0.00
Previous Bankruptcy Fees/Costs	\$0.00
Property Inspections	\$252.00
Suspense	(\$1,919.70)
Miscellaneous Charges/ Credits as follows:	\$0.00
	<hr/>
TOTAL DUE	\$361,047.12

That the total sum of \$361,047.12 together with per diem interest accruing on the principal sum due of \$274,865.69 per current term for each day after December 31, 2012, and the real property tax and insurance after said date until the conveyance of the property hereinafter authorized and the Commissioner's fees and costs herein awarded, and the Commissioner is secured by the lien of the Mortgage on the said property, which lien is subject only to the lien of unpaid State of Hawaii real property taxes.

3. That a fee of \$5,701.46, inclusive of Hawaii State GET is a reasonable fee for the Commissioner for services rendered herein; that said Commissioner has in

addition reasonably incurred costs for publication of legal notice of sale and other matters in the sum of \$1,804.60.

4. That the fees of \$2,500.00 are a reasonable attorneys' fees and \$3,882.68 are reasonable costs.

5. That there is no just reason for delay in entering a final judgment in favor of Plaintiff against all parties.

And good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff's *Motion for Order Confirming Foreclosure Sale, Allowance of Costs, Commissions, Fees, Directing Conveyance and for Writ of Possession*, filed herein on January 31, 2014, is hereby granted.

2. That in accordance with the *Interlocutory Decree of Foreclosure*, entered herein on September 17, 2013, the sale of the property described in Exhibit "A" attached hereto (hereinafter "Property") to Ronald W. S. Tom or his nominee at the bid price of \$348,000.00 as set forth above is hereby confirmed and approved and the Commissioner is hereby authorized and directed to make, execute and deliver a good and sufficient conveyance, free and clear of the interests and claims of all parties to this proceeding, in and to said Property, to Ronald W. S. Tom or his nominee, said sale to close within 35 days from the entry of this order.

3. That the *Commissioner's Report*, filed herein on December 10, 2013, *Supplement to Commissioner's Report Filed In This Action on December 10, 2013*, filed herein on January 30, 2014, and *Erratum: Correction to Declaration of Patricia Kim Park*, filed herein on January 31, 2014, are hereby approved and ratified.

4. That the Commissioner is hereby awarded the sum of \$5,701.46, inclusive of Hawaii State GET for services as Commissioner and costs in the sum of \$1,804.60.

5. That the Commissioner is hereby authorized and directed to pay all delinquent and accrued real property taxes and/or lease rents, if any, with respect to the Property out of the proceeds of the foreclosure sale, prorated as of the date of closing.

6. That Attorneys' fees and costs are hereby awarded in the total sum of \$6,382.68.

7. That upon the conveyance of the Property herein authorized, the total purchase price of \$348,000.00 shall be disbursed as follows:

(a) First to the Commissioner the sum of \$7,506.06.

(b) The balance of said purchase price shall be paid to Plaintiff.

8. That Defendant TSUNG-JUNG CHEN and all other persons claiming by, through or under them shall be and are forever barred of any and all right, title and interest in and to the Property and every part thereof.

9. That upon delivery to Ronald W. S. Tom or his nominee of the conveyance herein authorized and directed, said purchaser shall be entitled to the immediate exclusive possession of all of the Property.

10. That upon the Commissioner conveying the Property to Ronald W. S. Tom or his nominee, distributing the funds to those persons and parties in the amounts and in the order of priority directed by this Court, and the Commissioner filing his Commissioner's Final Report and Distribution Statement herein, attaching receipts of these amounts from those persons or parties who are entitled to receive such amounts, the Commissioner will be discharged from any further responsibilities and liabilities thereof.

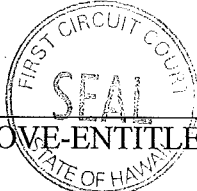
11. That this Court hereby authorizes the issuance of a Writ of Possession in favor of Ronald W. S. Tom or his nominee, commanding the Sheriff to remove TSUNG-JUNG CHEN; SU-CHING BACON, and all of their personal belongings, from the Property.

12. That this Court shall retain jurisdiction of this case to enter appropriate orders, if necessary, including but not limited to, giving Ronald W. S. Tom or his nominee possession of the Property, ~~granting a deficiency judgment in favor of Plaintiff, if appropriate,~~ and entering judgment on the claims of the other parties herein. *p*

13. Pursuant to HRCP Rule 54(b), this Court expressly directs that this Order and the Judgment thereon shall be entered as a final judgment in favor of the Plaintiff against all parties as there is no just reason for delay.

DATED: Honolulu, Hawaii, APR 09 2014

BERT I. AYABE
JUDGE OF THE ABOVE-ENTITLED COURT

The seal is circular with the text "FIRST CIRCUIT COURT" around the top edge and "STATE OF HAWAII" around the bottom edge. In the center, the word "SEAL" is written in a stylized font.

APPROVED AS TO FORM:

Patricia Kim Park, Commissioner

JPMorgan Chase Bank, National Association, etc. v. Tsung-Jung Chen, et al., Civil No. 11-1-2539-10, First Circuit Court, State of Hawaii "ORDER GRANTING PLAINTIFF'S MOTION FOR ORDER CONFIRMING FORECLOSURE SALE, ALLOWANCE OF COSTS, COMMISSIONS AND FEES, DIRECTING CONVEYANCE AND FOR WRIT OF POSSESSION FILED JANUARY 31, 2014"

EXHIBIT A

Real property in the County of Honolulu, State of Hawaii, described as follows:

FIRST: APARTMENT NO. 3602 IN THE BUILDING OF THE PROJECT KNOWN AS "PEARLRIDGE SQUARE", AS DESCRIBED IN AND ESTABLISHED BY THE DECLARATION OF HORIZONTAL PROPERTY REGIME RECORDED OCTOBER 22, 1979 AS BOOK 14086 PAGE 347, AS AMENDED, OF OFFICIAL RECORDS (HEREINAFTER COLLECTIVELY CALLED THE "DECLARATION"), AS SHOWN ON REGULAR SYSTEM CONDOMINIUM MAP NO. 658 (HEREINAFTER CALLED THE "CONDOMINIUM MAP").

TOGETHER WITH APPURTENANT EASEMENTS AS FOLLOWS:

(A) EXCLUSIVE EASEMENT TO USE PARKING STALL(S), IF ANY, APPURTENANT TO THE APARTMENT AS SET FORTH IN SAID DECLARATION AS SHOWN ON SAID CONDOMINIUM MAP.

(B) NONEXCLUSIVE EASEMENTS IN THE COMMON ELEMENTS DESIGNED FOR SUCH PURPOSES FOR INGRESS TO AND EGRESS FROM, UTILITY SERVICES FOR AND SUPPORT OF SAID APARTMENT, IN THE OTHER COMMON ELEMENTS FOR USE ACCORDING TO THEIR RESPECTIVE

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First American Title Company, Inc.

PURPOSES, AND IN ALL OTHER APARTMENTS OF SAID BUILDING FOR SUPPORT.

SECOND: AN UNDIVIDED 0.63% INTEREST IN ALL COMMON ELEMENTS OF SAID PROJECT, INCLUDING THE LAND ON WHICH SAID PROJECT IS LOCATED, AS ESTABLISHED FOR SAID CONDOMINIUM UNIT BY THE DECLARATION, AS AMENDED, OR SUCH OTHER PERCENTAGE OR FRACTIONAL INTEREST AS HEREAFTER ESTABLISHED FOR SAID CONDOMINIUM UNIT BY ANY

AMENDMENT OF THE DECLARATION, AS TENANT IN COMMON WITH THE OTHER CURRENT AND FUTURE OWNERS AND TENANTS FROM TIME TO TIME THEREOF.

BEING THE PREMISES CONVEYED BY TRUSTEE'S LIMITED WARRANTY DEED PEARLRIDGE SQUARE APARTMENT NO. 3602 RECORDED JULY 31, 2003 AS REGULAR SYSTEM DOCUMENT NO. 2003-158435 OF OFFICIAL RECORDS.

GRANTOR: KAREN M. NII, IN HER CAPACITY AS TRUSTEE OF THE MARITAL TRUST CREATED IN SECTION 5.04 A OF THE JACK H. UJIMORI TRUST DATED DECEMBER 22, 1992, AS AMENDED BY INSTRUMENT DATED APRIL 6, 1994

GRANTEE: SU-CHING BACON, WIFE OF PETER ROBERT BACON AND TSUNG-JUNG CHEN, UNMARRIED, AS JOINT TENANTS

THE LAND UPON WHICH SAID CONDOMINIUM PROJECT IS SITUATE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL FIRST:

ALL OF THAT CERTAIN PARCEL OF LAND (BEING A PORTION OF ROYAL PATENT NO. 1963, LAND COMMISSION AWARD NO. 5524, APANA 6 TO L. KONIA), SITUATED ON THE NORTHWESTERLY SIDE OF KAONOHI STREET EXTENSION AT KAONOHI, KALAUAO, EWA, CITY AND COUNTY OF HONOLULU, STATE OF HAWAII, BEING LOT D, BEING PORTIONS OF LOTS 79, 80 AND 81 OF FILE PLAN 1060, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS PARCEL OF LAND, ON THE NORTHWESTERLY SIDE OF LOT 89 (KAONOHI STREET EXTENSION) OF KAONOHI RIDGE SUBDIVISION, UNIT I, SECTION B (FILE PLAN 1060), THE COORDINATES OF WHICH REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "SALT LAKE" BEING 8953.01 FEET NORTH AND 11,318.07 FEET WEST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM

TRUE SOUTH:

1. 21° 35' 107.92 FEET ALONG THE NORTHWESTERLY SIDE OF LOT 89 (KAONOHI STREET EXTENSION) OF KAONOHI RIDGE SUBDIVISION, UNIT I, SECTION B (FILE PLAN 1060);
2. 111° 35' 231.65 FEET ALONG THE REMAINDER OF L. C. AW. 5524, APANA 6 TO L. KONIA;
3. 201° 35' 107.92 FEET ALONG THE REMAINDER OF L. C. AW. 5524, APANA 6 TO L. KONIA;
4. 291° 35' 231.65 FEET ALONG THE REMAINDER OF L. C. AW. 5524, APANA 6 TO L. KONIA TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 25,000 SQUARE FEET, MORE OR LESS.

PARCEL SECOND:

ALL OF THAT CERTAIN PARCEL OF LAND (BEING PORTION OF ROYAL PATENT NO. 1963, LAND COMMISSION AWARD NO. 5524, APANA 6 TO L. KONIA) BEING LOT E, THE SAME BEING PORTIONS OF LOTS 80 AND 81 OF FILE PLAN 1060, SITUATED ON THE SOUTHWESTERLY SIDE OF PROPOSED INTERSTATE HIGHWAY FEDERAL AID PROJECT NO. I-H1-1(16) AND ON THE NORTHWESTERLY SIDE OF KAONOHI STREET EXTENSION AT KAONOHI, KALAUAO, EWA, CITY

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First American Title Company, Inc.

AND COUNTY OF HONOLULU, STATE OF HAWAII, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THIS PARCEL OF LAND, ON THE

NORTHWESTERLY SIDE OF LOT 89 (KAONOHI STREET EXTENSION) OF KAONOHI RIDGE SUBDIVISION, UNIT I, SECTION B (FILE PLAN 1060), THE COORDINATES OF WHICH REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "SALT LAKE" BEING 8953.01 FEET NORTH AND 11,318.07 FEET WEST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 111° 35' 231.65 FEET ALONG REMAINDER OF L. C. AW. 5524, APANA 6 TO L. KONIA;
2. 201° 35' 107.51 FEET ALONG REMAINDER OF L. C. AW. 5524, APANA 6 TO L. KONIA;
3. 291° 22' 37" 231.65 FEET ALONG THE SOUTHWESTERLY SIDE OF PROPOSED INTERSTATE HIGHWAY (F.A.P. NO. I-H1-1 16);
4. 21° 35' 108.34 FEET ALONG THE NORTHWESTERLY SIDE OF LOT 89 (KAONOHI STREET EXTENSION) OF KAONOHI RIDGE SUBDIVISION, UNIT I, SECTION B (FILE PLAN 1060) TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 25,000 SQUARE FEET, MORE OR LESS.

TMK(S): (1) 9-8-039-005-0247