

PROPERTY ADDRESS

TMK

[Tax Map Link](#)



Ashley Seeger

Account Executive
c: 808.222.3021

ASeeger@ortc.com

151 Hekili St #201, Kailua, HI 96734

[Visit my website](#)

Old Republic Title & Escrow of Hawaii | 737 Bishop Street | Suite 2200 | Honolulu, HI 96813-3705 | T: 808.566.0100

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2/18/2021

Data Deemed Reliable but not Guaranteed

2410 CLEGHORN ST, Apt 502

[OPEN COUNTY SITE](#)

Taxkey: [1-2-6-24-53-2](#) | Subdivision: WAIKIKI | Project: WAIKIKI SKYTOWER

PROPERTY BASICS

OWNER: DANIELS, DEREK L	TAX PAYER: DANIELS, DEREK L	TAX BILL: 674 E OAKEY BLVD, LAS VEGAS NV 89104 USA	ZONING: APART
TENURE: Fee Simple	ANNUAL TAX (2023) : \$1,647.80	BUILDINGS: 1	CENSUS TRACT: 18.03
DWELLINGS: 1	PITT CODE: 1-RESIDENTIAL(Oahu, Hawaii)	LAND USE:	LAND SIZE: 0 sqft
BEDROOMS/BATHS: 1/1	LOT#:	ZIP: 96815	BUILDING SIZE: 595 sqft
			LEGAL INFO: APT 502 WAIKIKI SKYTOWER CONDO MAP 289 TOG/PKG SPACES 103 & 104 UND 1.999% INT IN ALL COMMON ELEMENTS

Assessed Values

Exemptions

Year	Property Taxes	Land	Building	Tax Assessment	Land	Building	Total
2024		\$152,800	\$338,800	\$491,600 +\$20,800 +4.42%	\$0	\$0	\$0
2023	\$1,647.80 +225.05 +15.82%	\$150,700	\$320,100	\$470,800 +\$64,300 +15.82%	\$0	\$0	\$0
2022	\$1,422.75 +37.80 +2.73%	\$146,600	\$259,900	\$406,500 +\$10,800 +2.73%	\$0	\$0	\$0
2021	\$1,384.95 +204.05 +17.28%	\$138,200	\$299,200	\$437,400 -\$41,700 -9.53%	\$0	\$100,000	\$100,000
2020	\$1,180.90 -155.75 -11.65%	\$134,000	\$327,900	\$461,900 +\$42,200 +10.05%	\$0	\$80,000	\$80,000
2019	\$1,336.65 +147.70 +12.42%	\$125,600	\$258,900	\$384,500 +\$1,100 +0.29%	\$0	\$80,000	\$80,000
2018	\$1,188.95 +123.19 +11.56%	\$115,200	\$268,200	\$383,400 +\$42,400 +12.43%	\$0	\$80,000	\$80,000
2017	\$1,065.76 +3.86 +0.36%	\$109,100	\$231,900	\$341,000 -\$6,200 -1.79%	\$0	\$80,000	\$80,000
2016	\$1,061.90 +148.40 +16.25%	\$94,200	\$253,000	\$347,200 +\$18,200 +5.53%	\$0	\$80,000	\$80,000
2015	\$913.50 -21.70 -2.32%	\$90,200	\$238,800	\$329,000	\$0	\$80,000	\$80,000
2014	\$935.20 +63.70 +7.31%						
2013	\$871.50						

CONDO NAME: WAIKIKI SKYTOWER	PARKING SPACES: 1	CONDO STYLE: Highrise	FLOOR: 5
CONDO INTEREST: 0.00%	CONDO TYPE: Corner	COMMON PROPERTY: pool, sauna, tennis	VIEW: Other View

SALES

11/13/1978	L - Lease	OSENGA LORENZ P/ARDELLE J, Individual	\$77,400 LCD 907944 TCT 804831	
7/18/1990	AL - Assignment of Lease	CONDUIT INC, Individual	\$225,000 LCD 1747525 TCT 804831	
7/18/1990	AL - Assignment of Lease	STIMMLER GEORGE, Individual	\$225,000 LCD 1747527 TCT 804831	
9/10/2002	AL - Assignment of Lease	MIZUKAMI, HIROKO, Single Person or Individual (Tenants in Severalty) CONDOMINIUM MAP #289	\$150,000 LCD 2839021 TCT 804831	
12/23/2003	AL - Assignment of Lease	BURNETT, JOS, H/W (Joint Tenancy) BURNETT, SAWAKO, H/W (Joint Tenancy) CONDO MAP #289	\$185,000 LCD 3045721 TCT 804831	BOC
12/23/2003	CONVD - Fee Conversion, Deed	BURNETT, JOS, H/W (Joint Tenancy) BURNETT, SAWAKO, H/W (Joint Tenancy) CONDO MAP #289	\$57,171 LCD 3045723 TCT 804831	BOC
5/12/2006	DEED - Deed	DANIELS, DEREK LEE, Single Person or Individual (Tenants in Severalty) CONDOMINIUM MAP #289	\$440,000 LCD 3427782 TCT 804831	BOC

DEVELOPER'S PUBLIC REPORT/ASSOCIATION BIENNIAL REGISTRATION

PROJECT NO: **740** PROJECT NAME: [WAIKIKI SKYTOWER](#) ADDRESS: **2410 CLEGHORN ST** DEVELOPER: **SKYTOWER HAWAII INC**

RECORDED LOANS FOR 1-2-6-24-53-2

Original Loan Amount	Type	Lender Type	Lender	Recorded	DocumentLCD
\$396,000	New Conventional	LNDR - Lending Company	CENTRAL PACIFIC HOMELOANS INC	5/12/2006	

BUILDING DETAILS

TMK# 1-2-6-24-53-2

BLDG 1 OF 1

CARD 1 OF 1

MAIN

YEAR BUILT: **1978**STYLE: **Condo**BLDG QUALITY: **(4) Average**EFFECTIVE YEAR BUILT: **1978**SHAPE: **Rectangle**OCCUPANCY: **HPR**PHYSICAL CONDITION: **Average**ROOF STRUCTURE: **Concrete**FRAMING: **Concrete**COST & DESIGN FACTOR: **1.00%**ROOF MATERIAL: **Built-up**EXTERIOR WALL: **Other**

ECONOMIC FACTOR:

ROOF DESIGN: **Flat**INTERIOR WALL STRUCTURE: **Double wall**PERCENT COMPLETE: **100%**FOUNDATION: **Concrete**INTERIOR WALL MATERIAL: **Plaster Board**BUILDING VALUE: **\$338,800**CENTRAL AC/HEAT: **None**ATTIC: **None**

BASEMENT:

FLOORING: **Resil tile**POOL: **None**CEILING: **Plaster-board**FLOOR CONSTRUCTION: **Concrete slab**

FLOOR AREAS

LLLA: **0**1ST STORY: **595**2ND STORY: **0**ADDL STORY: **0**HALF STORY: **0**ATTIC: **0**TOTAL SFLA 1: **595**BASEMENT: **0**

ROOMS

FAMILY RMS: **0**BEDROOMS: **1**REC ROOMS: **0**TOTAL RMS: **3**REC ROOM AREA: **0**

BATHS

FULL BATHS: **1**HALF BATHS: **0**ADD'L FIXT.: **1**TOTAL FIXT.: **4**

RESIDENTIAL BUILDING ADDITIONS

#	1st Story	Area
Main		595 sqft
B	PORCH CEILED RECESSED OPEN	833 sqft

BUILDING SKETCH

[OPEN COUNTY SITE](#) 

DEPARTMENT OF PLANNING AND PERMITTING

This data from the Department of Planning and Permitting is unofficial and is subject to change without notice. It is the user's responsibility to verify the accuracy of information from official documents which are available for inspection at the City department responsible for the data.

COUNCIL DISTRICT EFFECTIVE 200 : **4 - Tommy Waters**DEVELOPMENT PLAN AREAS : **Primary Urban Center**FLOOD ZONES : **AE - 100 Year Flood, Base Flood Elevation Determined**HEIGHT LIMIT : **240'**LOT RESTRICTION : **Nonconforming Use -- TVU**NEIGHBORHOOD BOARDS : **9 - WAIKIKI**SLIDE AREA : **None**SMA : **Not in SMA**SPECIAL DISTRICTS : **Waikiki Special District**STATE LAND USE : **Urban District**STREET SETBACK : **NONE**ZONING (LUO) : **Apartment Precinct (Waikiki SD)**

BUILDING PERMITS

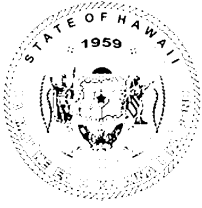
Start	End	Number	Amount	Status	Purpose	Owner
12/20/1973	9/1/1979	022098	\$500	Converted	Demolition	FRANKLIN TOKIOKA
12/20/1973	9/1/1979	022099	\$500	Converted	Demolition	FRANKLIN TOKIOKA
12/20/1973	9/1/1979	022100	\$500	Converted	Demolition	FRANKLIN TOKIOKA
12/20/1973	9/1/1979	022101	\$500	Converted	Demolition	FRANKLIN TOKIOKA
6/19/1975	9/1/1979	050670	\$5,200,000	Converted	New Building - Electrical - Plumbing - Sidewalk	HAWAII TAKENAKA INTRNL LTD
3/9/1976	9/1/1979	062883	\$0	Converted	Plumbing	HAWAIIAN TAKANAKA LIMITED
4/6/1976	9/1/1979	064251	\$0	Converted	Electrical	WAIKIKI SKYTOWER
9/1/1976	9/1/1979	071770	\$100,000	Converted	Alteration - Electrical - Plumbing	HAWAII TAKENAKA INTL LTD
1/6/1977	9/1/1979	077339	\$500	Converted	Sidewalk	HAWAII TAKENAKA INT
2/24/1977	9/1/1979	079582	\$0	Converted	Electrical	WAIKIKI SKY TOWER



NOTES

A large rectangular area with a light blue border and rounded corners, containing 15 horizontal lines for writing notes.

ADDITIONAL RELEVANT DOCUMENTS (IF ANY) ARE ATTACHED HERETO



STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR

RECORDED

May 23, 2023 8:02 AM

Doc No(s) T - 12195100
on Cert(s) 804831
Issuance of Cert(s)

Doc 1 of 1
Pkg 12194979 VKK

/s/ LESLIE T KOBATA
ASSISTANT REGISTRAR

LAND COURT ()

REGULAR SYSTEM ()

After Recordation, Return by () Mail or (X) Pick-up

Andrew Y.C. Lee
ALDRIDGE PITE, LLP
55 Merchant Street – Suite 1550
Honolulu, HI 96813

TITLE OF DOCUMENT: Notice of Lis Pendens

PARTIES TO DOCUMENT:

PLAINTIFF: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE
LOAN TRUST 2006-24CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2006-24CB

DEFENDANT: DEREK LEE DANIELS; WAIKIKI SKYTOWER CONDOMINIUM
ASSOCIATION; STATE OF HAWAII - DEPARTMENT OF TAXATION; and DOES 1
through 20, Inclusive

TAX MAP KEY: (2) 2-6-024-053-0002
2410 CLEGHORN STREET, #502, HONOLULU, HAWAII 96815

(6 PAGES)

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28-APR-2023
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E-mail: lworkman@aldridgepite.com

Attorneys for Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2006-24CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-24CB

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2006-24CB, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-
24CB,

Plaintiff,

v.

DEREK LEE DANIELS; WAIKIKI
SKYTOWER CONDOMINIUM
ASSOCIATION; STATE OF HAWAII -
DEPARTMENT OF TAXATION; and DOES
1 through 20, Inclusive,

Defendants.

CIVIL NO.
(Foreclosure)

NOTICE OF LIS PENDENS; EXHIBIT A



NOTICE OF LIS PENDENS

NOTICE IS HEREBY GIVEN that pursuant to H.R.S. §501-151 and/or §634-51 an action has been commenced in the First Circuit Court of the State of Hawaii, in and for the City and County of Honolulu, by the above-named Plaintiff against the above-named Defendants. The purpose of the action is for judicial foreclosure to recover the amounts due to Plaintiff under a loan secured by the Mortgage recorded on May 12, 2006, in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 3427783, on Certificate of Title 804,831, that encumbers the below-described property.

The real property referred to and affected by this foreclosure proceeding is situated in the City and County of Honolulu, commonly described as 2410 Cleghorn Street, #502, Honolulu, Hawaii 96815 (TMK No. (2) 2-6-024-053-0002), and is legally described in **Exhibit A** attached hereto and incorporated herein by this reference.

DATED: Kailua Kona, Hawaii, April 27, 2023.

/s/ Dalilah E. Schlueter

DALILAH E. SCHLUETER

Attorneys for Plaintiff

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF CWALT,
INC., ALTERNATIVE LOAN TRUST 2006-
24CB, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-24CB

EXHIBIT A

EXHIBIT "A"

-FIRST:-

Apartment No. 502 of the Condominium Project known as "WAIKIKI SKYTOWER", as established by Declaration of Horizontal Property Regime dated May 17, 1976, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 782712, as amended, and as shown on Condominium Map No. 289 and any amendments thereto.

Together with appurtenant easements as follows:

- (A) Exclusive easement(s) to use the Parking Space(s), if any, as shown in the Declaration, as amended.
- (B) Nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of said apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive or limited use of the limited common elements as provided in said Declaration, as amended, and in all other apartments of the building for support.

-SECOND:-

An undivided 1.999% interest in all common elements of the project as established for said apartment by said Declaration, as amended, or such other fractional percentage interest as hereafter established for said apartment by any amendment of said Declaration, as tenant in common with the other owners thereof.

The land upon which said Condominium Project "WAIKIKI SKYTOWER" is located is described as follows:

All of that certain parcel of land situate at Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

LOT 112, area 22,050 square feet, more or less, as shown on Map 48, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 350 of the Trustees under the Will of A. S. Cleghorn, deceased.

Being land(s) described in Transfer Certificate of Title No. 804,831
issued to DEREK LEE DANIELS, unmarried.

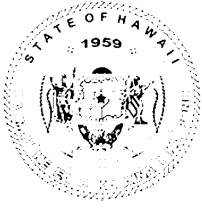
BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : JOS BURNETT and SAWAKO BURNETT, husband and wife

GRANTEE : DEREK LEE DANIELS, unmarried, as Tenant in
Severalty

DATED : May 5, 2006

FILED : Land Court Document No. 3427782



STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR

RECORDED

July 6, 2023 1:47 PM

Doc No(s) T - 12239177
on Cert(s) 804831
Issuance of Cert(s)

Doc 1 of 1
Pkg 12209832 KLM

/s/ LESLIE T KOBATA
ASSISTANT REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN TO:

RETURN BY: MAIL () PICK-UP ()

John M. Rickel, Esq.
The Rickel Law Firm, P.C.
P.O. BOX 36200
Grosse Pointe Farms, MI 48236
File No.: AWKS-A15413D2410

Total Pages: 4

NOTICE OF LIEN

Lienor: ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER
711 Kapiolani Blvd, Suite 700, Honolulu, HI 96813

Owner: DEREK LEE DANIELS
674 E Oakey Blvd, Las Vegas, NV 89104

Property: Unit 502
2410 Cleghorn St, Unit 502, Honolulu, HI 96815
TMK No.: 1-2-6-024-053-0002
Doc No(s) 3427782 (Transfer Certificate of Title No. 804831)

NOTICE IS HEREBY GIVEN that ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER, an incorporated association, records this notice of lien against Apartment No. 502 herein called the "Apartment"), as shown on the plans of the Project filed in said Office as Condominium Map No. 289, and any amendments thereto (herein collectively called the "Condominium Map"), located within the ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER, more particularly described in Transfer Certificate of Title No. 804831 and the attached Exhibit "A", in the amount of \$16,023.10 for unpaid amounts assessed by ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER as of May 30, 2023 under authority of the Declaration of Covenants, Conditions and Restrictions of the ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 782712, as amended, and for all subsequent unpaid assessments including all fees, interests, costs,

expenses, and attorney fees that have or will accrue against Unit 502 located in the ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER.

The Association hereby gives further notice of a special assessment lien on the Unit for amounts that may become due to the Association pursuant to Hawaii Revised Statutes Section 514B-146 (j) & (k) being the total amount of unpaid regular monthly common assessments during the six month immediately preceding the completion of a judicial or non-judicial power of sale foreclosure, as provided for by law.

The Board of Directors of ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER files this notice of lien by and through its Attorney-in-Fact, The Rickel Law Firm, P.C. by John M. Rickel, authorized agent, duly appointed under Power of Attorney dated August 12, 2016 and recorded May 02, 2019 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Doc No T10713244, that Power of Attorney being in full force and effect, signed on behalf of the Association under authority of its Board of Directors.

This instrument affects Unit 502 located in the ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER, which was conveyed to DEREK LEE DANIELS by a conveyance filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on May 12, 2006 as Doc No(s) 3427782 and noted on the Transfer Certificate of Title No. 804831.

Duly executed this 30th day of May, 2023.

ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI
SKYTOWER

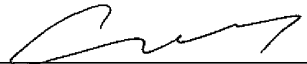
By: Its Attorney-in-Fact
The Rickel Law Firm, P.C.

By _____


John M. Rickel; (Authorized Agent)

STATE OF MICHIGAN) SS
COUNTY OF MACOMB)

On May 30, 2023, before me appeared John M. Rickel, to me personally known, who being by me duly sworn, did say that he is an Authorized Agent of The Rickel Law Firm, P.C., Attorney-in-Fact of the Board of Directors of ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI SKYTOWER duly appointed under Power of Attorney dated August 12, 2016 and recorded May 02, 2019 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Doc No T10713244, that Power of Attorney being in full force and effect, signed on behalf of the Association under authority of its Board of Directors, and acknowledged that he executed the same as the free act and deed of the Association. Said Association has no seal.


Christopher Gross
Notary Public, Macomb County, Michigan
Acting in Macomb County, Michigan
My Commission expires: April 25, 2029



NOTARY CERTIFICATION STATEMENT

Document ID: Notice of Lien - Association of Apartment Owners of Waikiki Skytower - Unit 502
File No.: AWKS-A15413D2410

Document Date: May 30, 2023

No. Pages: 4

Jurisdiction: Macomb County, Michigan

Date of Notarization: May 30, 2023



Christopher Gross
Notary Public, Macomb County, Michigan
Acting in Macomb County, Michigan
My Commission expires: April 25, 2029



EXHIBIT A

Item I:

All the premises comprising a portion of the **"WAIKIKI SKYTOWER"**, a Condominium Property Regime (herein called the "Project"), consisting of that certain parcel of land situate at Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, as described in the Declaration of Horizontal Property Regime hereinafter referred to (which description is incorporated herein by reference), and the improvements and appurtenances thereof, all as described in and established by Declaration of Horizontal Property Regime dated May 17, 1976, and recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 782712, as the same has been and may hereafter be further amended (herein called the "Declaration"), described as follows:

First: Apartment No. 502 herein called the "Apartment"), as shown on the plans of the Project filed in said Office as Condominium Map No. 289, and any amendments thereto (herein collectively called the "Condominium Map").

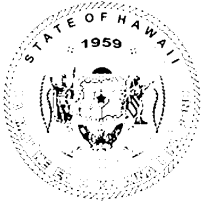
Together with appurtenant easements as follows:

- (A) Exclusive easement(s) to use the Parking Space(s), if any, as shown in Declaration.
- (B) Nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of the Apartment, in the other common elements for use according to their respective purposes, subject always to the exclusive or limited use of the limited common elements as provided in the Declaration, and in all other apartments of the building for support.

Second: An undivided 1.999% interest in all common elements of the Project as established for the Apartment by the Declaration, or such other fractional percentage interest as hereafter established for the Apartment by any amendment of the Declaration, as tenant in common with the other owners thereof.

Together with any easements mentioned in Transfer Certificate of Title No. 678,353 issued to the Grantor.

Being the property described in and covered by Transfer Certificate of Title No. 804831.



STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR

RECORDED

May 30, 2024 10:58 AM

Doc No(s) T - 12568173
on Cert(s) 804831
Issuance of Cert(s)

Doc 1 of 1
Pkg 12370100 MLK

/s/ LESLIE T KOBATA
ASSISTANT REGISTRAR

LAND COURT ()

REGULAR SYSTEM ()

After Recordation, Return by () Mail or (X) Pick-up

Dalilah E. Schlueter
Aldridge Pite, LLP
55 Merchant Street, Suite 1550
Honolulu, HI 96813

TITLE OF DOCUMENT: **FINDINGS OF FACT AND CONCLUSIONS OF LAW; ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR INTERLOCUTORY DECREE OF FORECLOSURE FILED JANUARY 10, 2024; EXHIBIT A**

PARTIES TO DOCUMENT:

PLAINTIFF: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2006-24CB, MORTGAGE PASSTHROUGH CERTIFICATES, SERIES 2006- 24CB

DEFENDANT: DEREK LEE DANIELS, et al.

TAX MAP KEY: (1) 2-6-024-053-0002
2410 CLEGHORN STREET, #502, HONOLULU, HAWAII 96815

(14 PAGES)

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Facsimile: (858) 412-2602
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Attorneys for Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2006-24CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-24CB

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2006-24CB, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-
24CB,

Plaintiff,

v.

DEREK LEE DANIELS; WAIKIKI
SKYTOWER CONDOMINIUM
ASSOCIATION; STATE OF HAWAII -
DEPARTMENT OF TAXATION; and DOES
1 through 20, Inclusive,

Defendants.

CIVIL NO. 1CCV-23-0000549
(Foreclosure)

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW; ORDER
GRANTING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT AND
FOR INTERLOCUTORY DECREE OF
FORECLOSURE FILED JANUARY 10,
2024; EXHIBIT A**

PLEASE NOTE CHANGES

HEARING

DATE: February 21, 2024

TIME: 9:00 a.m.

JUDGE: Honorable James H. Ashford

TRIAL: No Date Set

**FINDINGS OF FACT AND CONCLUSIONS OF LAW; ORDER GRANTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR INTERLOCUTORY
DECREE OF FORECLOSURE FILED JANUARY 10, 2024**

I do hereby certify that the foregoing is a full, true and correct copy of the official court record of the Courts of the State of Hawai'i.
Dated at: Honolulu, Hawai'i 10-APR-2024, /s/ Lori Ann Okita, Clerk of the First Judicial Circuit, State of Hawai'i



PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR INTERLOCUTORY DECREE OF FORECLOSURE filed herein on January 10, 2024 by Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2006-24CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-24CB ("PLAINTIFF"), came on for hearing before the Honorable James H. Ashford on February 21, 2024 at 9:00 a.m. Kira Kawakami appeared on behalf of PLAINTIFF. No other appearances and no objections having been made, and the Court having heard and considered the evidence presented, and being fully advised in the premises, finds as follows:

FINDINGS OF FACT

1. PLAINTIFF is a Delaware Corporation, authorized to do business in the State of Hawaii.

2. Defendant DEREK LEE DANIELS ("DANIELS") was a resident of the City and County of Honolulu, State of Hawaii, and was an individual whose ownership, use or possession of real property in the County of Honolulu, State of Hawaii, gives rise to this action.

3. For valuable consideration, DANIELS executed and delivered a written Interest Only Fixed Rate Note dated May 4, 2006 ("Note") to Central Pacific HomeLoans, Inc. in the principal amount of \$396,000.00, plus an interest at the rate of 6.625% per annum.

4. At the time of the execution and delivery of the Note, and as part of the same transaction and for the purpose of securing payment to the payee or holder of the Note of the principal sum and interest mentioned therein when the same should become due and payable, DANIELS, as mortgagor, secured the Note by execution of that certain Mortgage in favor of Mortgage Electronic Registration Systems, Inc., ("MERS"), solely as nominee for Central

Pacific HomeLoans, Inc. as mortgagee, dated May 4, 2006, recorded on May 12, 2006, in the Office of Assistant Registrar of the Land Court (“Land Court”) of the State of Hawaii as Document No. 3427783, on Certificate of Title 804, 831 ("Mortgage").

5. The Mortgage was subsequently assigned to PLAINTIFF pursuant to a Assignment of Mortgage recorded on January 4, 2019, in the Land Court as Document No. T-10595190, on Certificate of Title 804831.

6. Plaintiff is the holder of the Note which is secured by the Mortgage and PLAINTIFF was the holder of the Note at the time this foreclosure action was commenced.

7. The Mortgage constitutes a first priority interest in the mortgaged property, located at 2410 Cleghorn Street, #502, Honolulu, Hawaii 96815 (TMK No. (1) 2-6-024-053-0002) (“Mortgaged Property”). The legal description of the Mortgaged Property is set forth in **Exhibit A** attached hereto and incorporated herein by reference.

8. Defendant WAIKIKI SKYTOWER CONDOMINIUM ASSOCIATION is also known as Association of Apartment Owners of Waikiki Skytower may claim an interest in the Mortgaged Property due to the lien recorded on July 6, 2023 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. T-12239177, on CTC No. 804831, unpaid assessments and/or other interest, which interest, if any, is junior and subordinate to the lien of PLAINTIFF’s Mortgage.

9. Defendant STATE OF HAWAII - DEPARTMENT OF TAXATION may have or may claim an interest in the Mortgaged Property by virtue of two Tax Liens recorded in the Bureau of Conveyances of the State of Hawaii, on August 9, 2021 and June 16, 2021, as Document Nos. A-78910654 and A-78371251 respectively, which interest, if any, is junior and subordinate to the lien of PLAINTIFF's Mortgage.

10. DANEILS is now in default under the terms of the Note and Mortgage in that he has breached his covenant to pay the sums thereunder at the time the same became due and payable. Under the terms of the Note and Mortgage, the entire remaining principal balance and interest thereon are due and payable, together with costs, expenses, attorneys' fees and late fees, all of which are secured by the Mortgage.

11. By reason of said breach, PLAINTIFF has exercised, and does hereby exercise, its option under the terms and covenants of the Note and Mortgage to declare the entire principal balance due under the Note and Mortgage, together with interest, immediately due and payable.

12. Due notice has been given to DANIELS of PLAINTIFF's exercise of its option, and although PLAINTIFF has made demand upon DANIELS for payment of the sum due under the Note and Mortgage, DANIELS has failed to pay the same.

13. As of October 6, 2023, there was \$445,589.85 due and owing from DANIELS to PLAINTIFF under the Note and Mortgage the following amounts:

Unpaid Principal Balance	\$384,413.38
Interest (from 3/1/2020 to 10/6/2023 @3.25000%).....	\$47,975.52
Initial Escrow Balance	\$4,579.42
Insurance	\$2,948.88
PMI Insurance.....	\$1,386.00
Taxes	\$2,246.65
Corporate Advances	
Property Inspection.....	\$365.00
Appraisal.....	\$1,675.00
TOTAL.....	\$445,589.85

14. The total sum, plus interest at \$40.81 per day after/from October 6, 2023 and thereafter in accordance with the Note, plus any further advances made by PLAINTIFF for property expenses (real property taxes, fire and/or mortgage insurance premiums, etc.), until the closing of the sale herein authorized, are a valid lien on the Mortgaged Property.

15. By reason of the facts hereinbefore set forth and alleged, PLAINTIFF is entitled

to the foreclosure of its Mortgage and the sale of the Mortgaged Property.

16. The Mortgage provides that in the event of foreclosure, PLAINTIFF may be awarded all amounts secured by the Mortgage, including reasonable attorneys' fees and all costs, expenses or advances made by PLAINTIFF for the benefit or protection of the Mortgage or in connection therewith.

17. PLAINTIFF has incurred other fees, costs and expenses in connection with the transaction described in the Complaint, which fees, costs and expenses will be shown at the hearing on the confirmation of the sale of the Mortgaged Property.

18. The Mortgage provides that the mortgagee (i.e., PLAINTIFF) may be the purchaser at any foreclosure sale.

19. This Court has jurisdiction over the parties and the subject matter of this action, and venue is proper in this Circuit.

20. There is no just reason for delay in entering a final judgment as to PLAINTIFF's Complaint pursuant to Hawaii Rule of Civil Procedure 54(b).

CONCLUSIONS OF LAW

Pursuant to the foregoing findings of fact, the Court concludes:

1. There is due and owing to PLAINTIFF from DANIELS the sum of \$445,589.85 as of October 6, 2023, plus interest at \$40.81 per day after/from October 6, 2023 and thereafter in accordance with the Note, plus late fees, and any further advances made by PLAINTIFF for property expenses (real property taxes, fire and/or mortgage insurance premiums, etc.), together with other amounts as the Court shall subsequently determine to be lawfully chargeable under the provisions of the Note and Mortgage held by PLAINTIFF, including interest, costs, expenses, late fees, other charges and attorneys' fees as the Court shall determine.

2. PLAINTIFF is entitled to have its Mortgage foreclosed upon the Mortgaged Property and to have the Mortgaged Property sold in a manner subscribed by law, the Mortgage being a valid first lien upon said Mortgaged Property.

3. This Court has jurisdiction over the parties and the subject matter of this action, and venue is proper in this Circuit.

4. PLAINTIFF is entitled to judgment as a matter of law on its Complaint.

5. This Court expressly directs that final judgment shall be entered as to PLAINTIFF's Complaint as there is no just reason for delay.

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR INTERLOCUTORY DECREE OF FORECLOSURE FILED JANUARY 10, 2024

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Summary Judgment and Interlocutory Decree of Foreclosure in favor of PLAINTIFF and against Defendant DEREK LEE DANIELS are hereby entered. Pursuant to Rule 54(b), Hawaii Rules of Civil Procedure, this Court expressly directs that said summary judgment and interlocutory decree of foreclosure be and are hereby entered as final judgments as to PLAINTIFF's Complaint as there is no just reason for delay.

2. Defendant DEREK LEE DANIELS ("DANIELS") is in default under the Note and Mortgage currently held by PLAINTIFF. There is due and owing and unpaid to PLAINTIFF from October 6, 2023 the sum of \$445,589.85 as of October 6, 2023, plus interest at \$40.81 per day after/from October 6, 2023 and thereafter in accordance with the Note, plus late fees, and any further advances made by PLAINTIFF for property expenses (real property taxes, fire and/or mortgage insurance premiums, etc.), together with other amounts as the Court shall subsequently determine to be lawfully chargeable under the provisions of the Note and Mortgage held by PLAINTIFF, including interest, costs, expenses, late fees, other charges and attorneys' fees as the

Court shall determine at a subsequent hearing, all sums to be paid at the date of closing of the sale hereinafter authorized. All sums that are due or will become due to PLAINTIFF are a valid first lien upon the Mortgaged Property prior to all others.

3. The Mortgage currently held by PLAINTIFF shall be and is hereby foreclosed as prayed, and the Mortgaged Property shall be sold at public auction, without an upset price, as authorized by law and under the provisions of said Mortgage. The sale shall not be final until approved and confirmed by the Court.

4. Marvin Dang, whose address is, P.O. Box 4109; Honolulu, HI 96812-4109, and whose telephone number is 808-521-8521, is hereby appointed as Commissioner by this Court and such Commissioner ~~shall henceforth hold all equitable and legal title to the Mortgaged Property, and~~ *jha* is hereby authorized and directed to take possession of the Mortgaged Property, to rent the Mortgaged Property pending foreclosure, if appropriate, and to sell the Mortgaged Property in its "AS-IS" condition, without any representations or warranties whatsoever as to title or possession, and by way of quitclaim conveyance, by public Commissioner's sale, without an upset price, in accordance with this Order. Commissioner shall hold two open houses prior to the auction unless otherwise directed by the Court. No public Commissioner's sale shall occur until after notice of such sale is given by the Commissioner either:

- (a) by publication in the classified section of a daily newspaper of general circulation that is published at least weekly and having a general circulation in the county in which the mortgaged property or unit is located. The public notice shall be published once in each week for three (3) consecutive weeks, constituting three publications, with

the sale to take place no sooner than fourteen (14) days after the third date of publication;
or

(b) by publication in a Hawaii state website at the discretion of the agency that maintains the website, not less than twenty-eight (28) days before the date of the public sale, and the public notice shall also be published at least once in a newspaper of general circulation in the county in which the mortgaged property or unit is located at least fourteen (14) days prior to the public sale.

The notice shall give the date, time and place of sale and an intelligible description of the Mortgaged Property, and shall disclose all of the terms of the foreclosure sale. No bond shall be required of the Commissioner. Commissioner may cancel or postpone the foreclosure auction pursuant to Hawaii Revised Statutes Section 667-20.1 ~~Chapter 667, Section 2 as amended~~ *jha* by Act 181. The Commissioner shall be awarded a reasonable fee as Commissioner in an amount to be subsequently determined by the Court. The Commissioner's fees and costs shall be deemed to be secured by PLAINTIFF's Mortgage lien on the Mortgaged Property. In the event the person appointed in this order refuses or becomes unable to act as Commissioner, the Court may appoint another person to serve as Commissioner, without further notice or hearing.

5. The Commissioner shall hold all proceeds of sale of the Mortgaged Property to the credit of this cause subject to the directions of this Court. A further hearing shall be held in this action to consider confirmation of the foreclosure sale. At the hearing, the Court shall hear proof of the claim of any other party and shall determine the priority among the claims of the parties besides PLAINTIFF. At the hearing, the Court may also allow reopening of the auction by accepting higher bids, the first of which must be at least one hundred five percent (105%) of the highest bid at the Commissioner's sale; anyone may reopen the auction by bidding, including

all parties to this action and any other interested person, whether or not any such party or interested person had bid, or could have bid, at the Commissioner's sale. The Court reserves jurisdiction to determine the party or parties to whom any surplus shall be awarded. The Court shall determine the amount of the fee of the Commissioner and the amount of the attorneys' fees and costs of PLAINTIFF and shall direct the final payment of the proceeds of the foreclosure sale. Upon distribution of the sale proceeds according to the directions of the Court, the Commissioner shall file an accurate accounting of receipts, expenses and distributions. If the proceeds of such sale are insufficient to pay the aforesaid amounts to PLAINTIFF, the Court shall/may direct that a judgment for such deficiency be entered in favor of Plaintiff and against the Defendant DANIELS.

6. Defendant DEREK LEE DANIELS and all parties hereto, and all persons claiming by, through or under said, Mortgaged Property, except for any governmental authority enforcing a lien for unpaid real property taxes as to the Mortgaged Property, will be perpetually barred of and from any and all right, title and interest in the Mortgaged Property or any part thereof upon closing of the sale herein authorized.

7. Pursuant to Section 501-151 and/or 634-51 of the Hawaii Revised Statutes, as amended, any and all other or further encumbrances or purchasers in respect of the Mortgaged Property or any part thereof, whose interest arises from and after May 23, 2023, will be hereby forever barred of and from any and all right, title and interest in and to the Mortgaged Property and every part thereof upon the closing of the sale herein authorized.

8. PLAINTIFF and all parties are hereby authorized to purchase the Mortgaged Property at the foreclosure sale. The successful bidder at the sale shall make a down payment to the Commissioner in an amount not less than ten percent (10%) of the highest successful bid

price. This payment shall be ~~in cash~~, by money order, by cashier's check or by certified *jha* check, provided that PLAINTIFF may satisfy the down payment by way of offset up to the amount of its secured debt; prior to bidding, any person not hereby authorized to credit bid must show the Commissioner such person's present ability to make the required down payment in such form immediately upon the close of the bidding. At the Court's discretion, the 10% down payment may be forfeited in full or in part if the purchaser shall fail to pay the balance of the purchase price as hereinafter set forth. In no event shall the purchaser be liable for damages greater than the forfeiture of the 10% down payment. The balance of the purchase price shall be paid to the Commissioner upon approval and confirmation of the sale, provided that if PLAINTIFF is the purchaser at the foreclosure sale, said PLAINTIFF may satisfy the balance of the purchase price by way of offset up to the amount of its secured debt. All costs and expenses of closing, including without limitation, the costs of conveyance, including preparation of the conveyance document, conveyance tax, escrow and recording fees, any proof of title or title insurance, and notary fees, as well as the costs of securing possession of the Mortgaged Property, shall be the responsibility of and paid by the purchaser. Neither the availability of the title insurance nor securing possession of the Mortgaged Property shall be a condition of closing.

DATED: Honolulu, Hawaii, April 2, 2024

/s/ James H. Ashford



Judge of the above-entitled Court

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2006-24CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-24CB v. DEREK LEE DANIELS, et al.; CIVIL NO. ICCV-23-0000549; FINDINGS OF FACT AND CONCLUSIONS OF LAW; ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR INTERLOCUTORY DECREE OF FORECLOSURE FILED JANUARY 10, 2024

EXHIBIT A

EXHIBIT A

-FIRST:-

Apartment No. 502 of the Condominium Project known as "WAIKIKI SKYTOWER", as established by Declaration of Horizontal Property Regime dated May 17, 1976, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 782712, as amended, and as shown on Condominium Map No. 289 and any amendments thereto.

Together with appurtenant easements as follows:

- (A) Exclusive easement(s) to use the Parking Space(s), if any, as shown in the Declaration, as amended.
- (B) Nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of said apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive or limited use of the limited common elements as provided in said Declaration, as amended, and in all other apartments of the building for support.

-SECOND:-

An undivided 1.999% interest in all common elements of the project as established for said apartment by said Declaration, as amended, or such other fractional percentage interest as hereafter established for said apartment by any amendment of said Declaration, as tenant in common with the other owners thereof.

The land upon which said Condominium Project "WAIKIKI SKYTOWER" is located is described as follows:

All of that certain parcel of land situate at Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

LOT 112, area 22,050 square feet, more or less, as shown on Map 48, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 350 of the Trustees under the Will of A. S. Cleghorn, deceased.

Being land(s) described in Transfer Certificate of Title No. 804,831
issued to DEREK LEE DANIELS, unmarried.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : JOS BURNETT and SAWAKO BURNETT, husband and wife

GRANTEE : DEREK LEE DANIELS, unmarried, as Tenant in
Severalty

DATED : May 5, 2006

FILED : Land Court Document No. 3427782