

GLENN D. CHOY 1985
P.O. Box 62061
Honolulu, Hawaii 96839
Telephone: [808] 533-7007

Commissioner

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FIRST CIRCUIT
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

| | | |
|-------------------------------|---|------------------------|
| BANK OF AMERICA, N.A., |) | CIVIL NO. 18-1-0593-04 |
| |) | (Foreclosure) |
| Plaintiff, |) | |
| |) | COMMISSIONER'S REPORT; |
| v. |) | EXHIBITS A & B; |
| |) | DECLARATION OF GLENN |
| DONNA LYNN CARREIRO; and DOES |) | CHOY; EXHIBIT A & B; |
| 1 through 20, inclusive, |) | CERTIFICATE OF SERVICE |
| |) | |
| Defendants. |) | |
| |) | |

COMMISSIONER'S REPORT

Comes now GLENN CHOY, ESQ., the duly appointed Commissioner in the above-entitled action, and hereby reports as follows:

1. That your Commissioner was duly appointed by this Court to serve as a Commissioner pursuant to that certain Findings of Fact and Conclusions of Law; Order Granting Plaintiff's Motion for Summary Judgment and For Interlocutory Decree of Foreclosure Filed June 18, 2019 filed December 9, 2020, filed on June 109, 2020.

2. That pursuant to said Order, your Commissioner proceeded to acquaint himself with the subject property by visiting the subject premises.

3. That your Commissioner prepared a Fact Sheet, a copy of which is attached hereto and made a part hereof as Exhibit "A", and emailed it to a number of different persons and parties, who indicated interest in bidding for the subject premises.

4. That occupants of the subject premises were unresponsive to efforts by Your Commissioner to view and inspect the subject premises, and to arrange for open houses; that as a result Plaintiff moved for and was granted by the Court an Order Granting Plaintiff's Motion for Permission to Sell Property Without Open Houses, filed August 8, 2023;

5. That your Commissioner established Wednesday, October 11, 2023 at 12:00 noon at the ewa end plaza area fronting the First Circuit Court Building, Honolulu, Hawaii as the date, time and place for the public auction for the sale of the subject premises.

6. That your Commissioner informed the parties involved as to the dates for the public auction.

7. That your Commissioner caused to be published in the classified section of the Sunday Honolulu Star

Advertiser, a newspapers having general circulation in the State of Hawaii, on Sundays, September 10, September 17, and September 24, 2023 an advertisement concerning the subject property, setting forth a summary description of the property, and the dates and times for the open houses, and public auction, a copy of which advertisement is attached and made a part hereof as Exhibit "B."

8. That as a result of the Fact Sheet and these advertisements, your Commissioner received moderate interest from the general public, and received approximately seven [7] different inquiries

9. Your Commissioner transmitted the Fact Sheet to six [16] parties that requested information.

10. That on the rescheduled date, time and place for the auction your Commissioner proceeded to so conduct the public auction.

11. That your Commissioner received one [1] bid; the winning bid in the amount of \$812,630.51 was submitted by Plaintiff Bank of America, N.A.;

12. That after repeatedly soliciting higher bids and receiving none, your Commissioner declared the subject property sold for \$812,630.51, subject to confirmation thereof by the Court, and closed the auction.

13. That your Commissioner believes that this bid price of \$812,630.51 for the subject property is a fair and reasonable one and recommends that the Court confirm the

sale of the subject property to Plaintiff Bank of America, N.A. for said price.

14. That your Commissioner is attaching herewith his declaration in support of reimbursement of expenses and allowance of his fees;

WHEREFORE, your Commissioner prays as follows:

(1) That the Court approve and accept your Commissioner's Report;

(2) That a hearing be held to confirm the sale of the subject property to Plaintiff Bank of America, N.A. for \$812,630.51.

(3) That the Court allow your commissioner total reimbursement of expenses incurred in the sum of \$947.17, and Commissioner's Fees in the sum of \$3,825.00, and \$172.12 for GET;

(4) That upon your Commissioner conveying subject property to the party to whom the sale thereof is confirmed, distributing the funds to those persons and parties in the amounts and in the order of priority directed by this Court, and your Commissioner filing his Distribution Statement, attaching receipts of these amounts from these persons or parties, who are entitled to receive such amounts, your Commissioner stands discharged from any further responsibilities and liabilities thereof.

DATED at Honolulu, Hawaii this 16th day of October, 2023.

/s/ Glenn Choy, Esq.
GLENN CHOY, ESQ.

FORECLOSURE FACT SHEET

Bank of America, N.A. v. Donna Lynn Carreiro, et al
Civil No. 18-1-0593-04 JHC (Foreclosure)
85-090 A Farrington Highway, Waianae, Hawaii 96792
TMK (1) 8-5-018-010-0000

[ALL INFORMATION HEREIN WAS OBTAINED FROM SOURCES CUSTOMARILY UTILIZED. HOWEVER, IT SHOULD BE CONSIDERED AS AN ESTIMATE AND IS NOT GUARANTEED. NO WARRANTY OR REPRESENTATION IS MADE AS TO ITS ACCURACY, AND THIS INFORMATION IS PRESENTED SUBJECT TO CHANGE, CORRECTION, ERROR, OMISSION, PRIOR SALE AND/OR WITHDRAWAL WITHOUT NOTICE. A PROSPECTIVE PURCHASER MUST VERIFY ALL INFORMATION CONTAINED HEREIN.]

ADDRESS: 85-090 A Farrington Highway, Waianae, Hawaii 96792

TAX MAP KEY: (1) 8-5-018-010-0000

DESCRIPTION OF PROPERTY: Building 1 - Single family, three bedrooms, two full baths. 968 sq. feet. Bulding 2 – Single family, three bedroom, 1 full bath. 880 sq. feet.

LAND SQUARE FOOTAGE: 30,936 sq. ft. / 0.71 acres.

LEASEHOLD/FEE: Fee simple.

AGE OF BUILDING: Building 1 - built 1964. Building 2 – built 1958.

AREA SCHOOLS: Kamaile Academy, Waianae Intermediate School, Waianae High School.

ASSOCIATION/MAINTENANCE FEES: None.

LEASE RENT: None.

REAL PROPERTY TAXES FOR 2023: Total: \$2,226.00

ASSESSED VALUE FOR TAX YEAR 2023:

| | |
|---------------|-------------------------------|
| \$ 328,200.00 | building |
| \$ 140,000.00 | building exemption |
| \$ 447,800.00 | land |
| \$ 000.00 | land exemption |
| \$ 776,000.00 | Total Property Assessed Value |

EXHIBIT A

\$ 140,000.00 Total Property
Exemption
\$ 636.00 Total Net Taxable Value

AMOUNT DUE ON DEFAULT: \$812,630.51. Per the Findings of Fact, and Conclusion of Law; Order Granting Plaintiff's Motion for Summary Judgment and for Interlocutory Decree of Foreclosure Filed on June 18, 2019, filed June 10, 2020, said total sum, plus interest,, plus late fees, attorneys' fees and such other fees and further amounts and charges as may be proper and allowed 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, are a valid lien on the mortgaged property,

SALES INFORMATION:

OPEN HOUSES: None, per court order.

AUCTION: Wednesday, October 11, 2023, noon, First Circuit Court plaza,
777 Punchbowl Street, Honolulu, Hawaii

TERMS OF SALE: PROPERTY TO BE SOLD "AS IS" TO HIGHEST BIDDER WITH NO UPSET PRICE. NOT LESS THAN TEN PERCENT [10%] OF HIGHEST SUCCESSFUL BID PRICE SHALL BE DEPOSITED WITH THE COMMISSIONER IMMEDIATELY AT CLOSE OF AUCTION, SUCH PAYMENT TO BE MADE IN CASH, OR BY CERTIFIED OR CASHIER'S CHECK. ALL COSTS AND EXPENSES OF CONVEYANCE, INCLUDING CONVEYANCE TAX, SECURING POSSESSION OF THE PROPERTY AND RECORDING OF CONVEYANCE SHALL BE AT THE EXPENSE OF THE SUCCESSFUL BIDDER. THE SUCCESSFUL PURCHASER MAY REQUEST THE USE OF AN ESCROW, BUT WILL BE RESPONSIBLE FOR ESCROW COSTS IF ANY.

SALE SUBJECT TO CONFIRMATION

For further information contact:

GLENN D. CHOY, COMMISSIONER
P.O. Box 62061
Honolulu, Hawaii 96839
Ph. [808] 533-7007
Fax. [888] 370-3731

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
Deutsch Bank v. Donna Lyn Carreiro

}
}
}
}
}
}
}


STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date: SEP 24 2023 # Pages: 1

Notary Name: COLLEEN E. SORANAKA First Judicial Circuit

Doc. Description: Affidavit of
Publication

[Signature] SEP 25 2023
Notary Signature Date



NOTICE OF FORECLOSURE SALE
 Deutsch Bank v. Donna Lynn Carreiro, Civ. 18-1-0593-04; 85-090 A Farrington Hwy., Waianae, HI. 96792; TMK (1) 8-5-018-010-0000. Bldg. 1 - 3 bdrms., 2 baths. 968 sq. ft. Bldg. 2 - 3 bdrms, 1 bath. 880 sq. ft. 30,928 sq. ft. land.
OPEN HOUSES: None, per court order.
AUCTION: Wed., Oct. 11, 2023, noon, 1st Circuit Court plaza, 777 Punchbowl St., Honolulu, HI.
TERMS OF SALE: NO UPSET PRICE. Property sold in "As Is" condition at public auction with 10% of highest bid payable in cash, certified or cashier's check at close of auction, balance payable upon delivery of title. Potential bidders must show proof of 10% requirement prior to bidding. Buyer shall pay all costs of closing including escrow, conveyance, recordation fee, and conveyance tax, and is responsible for securing possession upon recordation, including eviction. SALE SUBJECT TO COURT CONFIRMATION. Information: 533-7007, GLENN CHOY, Commissioner, P.O. Box 62061, Honolulu, HI. 96839.
 (SA1429747 9/10, 9/17, 9/24/23)

Kimberly Masu being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 3 times on:

09/10, 09/17, 09/24/2023

MidWeek 0 times on:

The Garden Island 0 times on:

Hawaii Tribune-Herald 0 times on:

West Hawaii Today 0 times on:

Other Publications: 0 times on:

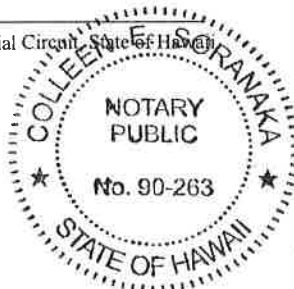
And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
Kimberly Masu

Subscribed to and sworn before me this 15th day of September A.D. 20 23

Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001429747



ICSP.NO.: _____

15

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

| | | |
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| BANK OF AMERICA, N.A., |) | CIVIL NO. 18-1-0593-04 |
| |) | (Foreclosure) |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | DECLARATION OF GLENN |
| DONNA LYNN CARREIRO; and DOES |) | CHOY; EXHIBIT A & B |
| 1 through 20, inclusive, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

DECLARATION OF GLENN CHOY

GLENN CHOY, ESQ., being duly sworn on oath, deposes and says that:

1. That your Commissioner was duly appointed by this Court to serve as a Commissioner pursuant to that certain Findings of Fact and Conclusions of Law; Order Granting Plaintiff's Motion for Summary Judgment and For Interlocutory Decree of Foreclosure Filed June 18, 2019 filed December 9, 2020, filed on June 109, 2020.

2. A total of at least 23.0 hours have been expended by the Commissioner in relation to this foreclosure sale, resulting in a fee at \$150.00 per hour of \$3,450.00;

3. The time expended to date by the Commissioner in the performance of his duties is set forth in Exhibit "A", attached hereto and incorporated herein;

4. That the Commissioner estimates that an additional 1.5 hours will be necessary to conclude the matter; and

5. That the Commissioner is requesting a fee, for 24.5 hours of work, in the amount of \$3,825.00, and GET of \$172.12, exclusive of costs;

6. The following costs have been incurred:

| | |
|------------------|--------|
| a) xerox | 14.45 |
| b) postage | 14.11 |
| c) news paper ad | 891.81 |

Total Expenses \$ 947.17

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

EXECUTED ON OCTOBER 16, 2023.

/s/ Glenn Choy, Esq.
GLENN CHOY, ESQ.

RE: Bank of America, N.A. v. Donna Lynne Carreiro et al;
 Civil No. 18-1-0593-04 (JHC)(Foreclosure);
 85-090 A Farrington Highway, Waianae, Hawaii
 96792;
 TMK (1) 8-5-018-010-0000

TIME SHEET

| DATE: | | HOURS: |
|-----------|-------------------------------------|--------|
| 10/14/20 | review order re SJ | .3 |
| | telephone inquiry | .2 |
| | telephone inquiry | .1 |
| 7/4/22 | review minute order | .1 |
| 1/5/23 | prep notice of appmt | .7 |
| 2/10/23 | draft appmt. Notice | .2 |
| 2/12/23 | travel | 1.1 |
| | Inspect property | .4 |
| | Travel | 1.1 |
| 2/13/2023 | draft correspondence to defendant | |
| | Re property visit | .5 |
| 2/22/23 | draft response to plaintiff | |
| | Inquiry re status | .1 |
| 3/6/23 | tc from defendant's realtor | |
| | Re short sale | .2 |
| 4/4/23 | draft response to plaintiff's | |
| | Request for status | .2 |
| 4/5/23 | draft declaration in support of | |
| | Motion for sale without open houses | 1.4 |
| 4/17/23 | review plaintiff's paralegal's | |
| | Correspondence | .1 |
| | Review pleading | .1 |
| 5/2/23 | wait | .6 |
| | Hearing on motion for sale without | |
| | Open houses [conference call] | .1 |
| 6/13/23 | review proposed order | .1 |
| 8/10/23 | review plaintiff's paralegal's | |
| | Correspondence re approved motion | .1 |
| 8/25/23 | respond to plaintiff request for | |
| | Status | .1 |

Exhibit A

| | | |
|----------|------------------------------------|------------|
| 8/29/23 | review C&C real prop. Information | .5 |
| | Prep. Fact sheet | .8 |
| | Prep auction notice | .3 |
| | Prep. Cover letter | .2 |
| 9/1/23 | draft correspondence to Plaintiff | |
| | Re confirmation of tax information | .2 |
| 9/4/23 | review documents re parcel size | .3 |
| 9/5/23 | review correspondence | .1 |
| | place auction ad | .1 |
| | proof read ad | .2 |
| | tc to ad publisher | .1 |
| 9/12/23 | email inquiry/transmit fact sheet | .1 |
| | email inquiry/transmit fact sheet | .1 |
| 9/18/23 | email inquiry/transmit fact sheet | .1 |
| 9/20/23 | phone inquiry/transmit fact sheet | .1 |
| | phone inquiry | .1 |
| | phone inquiry/transmit fact sheet | .1 |
| 9/25/23 | phone inquiry/transmit fact sheet | .1 |
| 9/26/23 | review affidavit of publication | .1 |
| 10/10/23 | prep for auction | .3 |
| 10/11/23 | travel | .4 |
| | Confer with auction attendees | .2 |
| | Auction | .1 |
| | Travel | .4 |
| 10/12/23 | prep commissioner's report | .3 |
| 10/13/23 | prep commissioner's report | .5 |
| 10/16/23 | prep commissioner's report | 1.4 = 15.1 |

TOTAL 23.0 hrs.

COMMISSIONER'S FEES @ \$150.00/HOUR \$3,450.00

1.5 hours - ESTIMATED ADDITIONAL TIME
@ \$150.00 per hour \$ 225.00

TOTAL FEES \$3,825.00

GET @ .045 \$ 172.12

Expenses:

xerox 14.25

postage 41.11

newspaper ad 891.81

[Receipt - Ex. B]

Total Expenses

\$ 947.17

Receipt

Transaction Information

Transaction ID: cjt9ffc5co197b76p56g
Merchant: STARADVERTISER CIRC
Merchant Website: STARADVERTISER.COM
Merchant Phone: (808) 529-4700
Transaction Date: 09/07/2023 17:40:46 HST
Transaction Type: Sale
Subtotal: \$891.81
Tax: \$0.00
Shipping: \$0.00
Discount: \$0.00
Amount Authorized: \$891.81
Amount Captured: \$891.81
Total: \$891.81

Cash Discount - As an incentive for customers we provide a discount to pay with cash by giving a \$34.22 discount on this transaction.

Pay by Cash and Save! U.S. Patented - US 8131619 B1, US 8478689 B1, US 8423439 B1

PO Number:

Order ID:

Authorization Code: 251426

Response: approved

Custom Fields

1. Account Number
7554

2. Ad order number
1429747

Payment Information

Cardholder Name: GLENN D. CHOY

Card Type: Visa

Payment Type: card

Account # *****0082 03/24

SYSTEM B

CERTIFICATE OF SERVICE

I certify that -1- copy of the foregoing was served upon the following parties via the method indicated:

| | U.S. Mail | JEFS |
|--|-------------------------------------|-------------------------------------|
| Donna Lynn Carreiro 85-090 A Farrington Highway Waianae, Hawaii 96792 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Aldridge Pite LLP 55 Merchant Street, Suite 1550 Honolulu, Hawaii 96813 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

/s/ Glenn D. Choy
GLENN D. CHOY