

FILED

RCO HAWAII, LLLC  
A Hawaii Limited Liability Law Company

2011 DEC 15 PM 3:39

CHARLES R. PRATHER #7664  
SOFIA M. HIROSANE #9299  
900 Fort Street Mall, Suite 800  
Honolulu, Hawaii 96813  
Telephone: (808) 532-0090  
Fax: (808) 524-0092

L. CHINEN, CLERK  
THIRD CIRCUIT COURT  
STATE OF HAWAII

Attorneys for Plaintiff

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE IN TRUST FOR THE  
BENEFIT OF THE CERTIFICATEHOLDERS FOR ARGENT SECURITIES INC., ASSET-  
BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-W2

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE IN TRUST FOR  
THE BENEFIT OF THE  
CERTIFICATEHOLDERS FOR ARGENT  
SECURITIES INC., ASSET-BACKED  
PASS-THROUGH CERTIFICATES,  
SERIES 2006-W2,

Plaintiff,

vs.

DIANNE DEE GUMAPAC; KALE  
KEPEKAIO GUMAPAC; JOHN DOES 1-  
50; AND JANE DOE 1-50

Defendants.

CIVIL NO. 11-1 -0590

(Other Civil Action)

(Hilo)

COMPLAINT FOR EJECTMENT;  
EXHIBITS "A" - "B"; SUMMONS

**COMPLAINT FOR EJECTMENT**

Comes now Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS  
TRUSTEE IN TRUST FOR THE BENEFIT OF THE CERTIFICATEHOLDERS FOR  
ARGENT SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES,

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



Clerk, Third Circuit Court, State of Hawaii

SERIES 2006-W2 (“Plaintiff”), by and through its attorneys RCO Hawaii, LLLC, for cause of action against the above-named defendant, avers and alleges as follows:

1. This Court has jurisdiction over this matter pursuant to § 604-5 of the Hawaii Revised Statutes (“HRS”), as amended, and venue is proper.

2. Plaintiff is the fee simple owner of the property (“Property”) located at 15-1716 2<sup>nd</sup> Avenue, Keaau, Hawaii, 96749, and is entitled to the possession thereof by virtue of a non-judicial foreclosure sale held on January 31, 2011, and the subsequent recording on February 3, 2011 of a Quitclaim Deed (“Deed”) in the Office of the Assistant Registrar of the Land Court for the State of Hawaii as Document No. 4046268 and noted on Transfer Certificate of Title No. 1,012,360. A true and correct copy of the Deed is attached as Exhibit “A” and incorporated by this reference.

3. The Property is located within the jurisdiction of this Court.

4. Defendants DIANNE DEE GUMAPAC and KALE KEPEKAIO GUMAPAC (“Defendants”), or occupants on their behalf, are occupying the Property without consent or permission of Plaintiff, and are wrongfully and unlawfully occupying, and withholding possession of said Property against the rights of Plaintiff.

5. That Plaintiff’s counsel mailed written notice to Defendant(s) to vacate said Property on January 25, 2011, and to vacate the Property within 10 days. A true and correct copy of this written notice is attached hereto as Exhibit “B”.

6. That notwithstanding said notice, Defendants are still in possession of the Property.

7. That Plaintiff is entitled to immediate possession of the Property under HRS § 604-5.

WHEREFORE, Plaintiff prays as follows:

- A. That Judgment for Possession be entered giving Plaintiff exclusive possession of the Property.
- B. That a Writ of Possession issue forthwith directing the Sheriff or Police Officer to:
  - 1. Remove Defendants from the Property and all persons possessing the property through Defendants;
  - 2. Remove from the Property all personal property; and
  - 3. Put Plaintiff in possession of the Property.
- C. That Plaintiff be awarded Court costs, interest, reasonable attorney's fees, and any and all other damages or charges arising out of the Defendants' unlawful occupancy of the Property and that a monetary Judgment for the total amount awarded be entered against Defendants and in the case of more than one Defendant, Judgment be entered jointly and severally against all Defendants.
- D. Such further and other relief the as Court shall deem just and proper.

DATED: Honolulu, Hawaii, December 13, 2011.



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CHARLES R. PRATHER  
SOFIA M. HIROSANE

Attorneys for Plaintiff  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE IN TRUST  
FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS FOR ARGENT  
SECURITIES INC., ASSET-BACKED  
PASS-THROUGH CERTIFICATES,  
SERIES 2006-W2



OFFICE OF THE  
ASSISTANT REGISTRAR, LAND COURT  
STATE OF HAWAII  
(Bureau of Conveyances)

The original of this document was  
recorded as follows:

DOCUMENT Doc 4046268  
CTI 1,012,360  
FEB 03, 2011 10:00 AM

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( X ) Pickup ( )

RCO Hawaii, LLLC  
900 Fort Mall Road, Suite 305  
Honolulu, HI 96813

This document consists of 6 pages

15-1716 2ND AVENUE  
KEAAU, HI 96749  
(7090.23353)

TMK No.(3) 1-5-055-062-0000  
Order No. 3326472

TYPE OF DOCUMENT: Mortgagee  Quitclaim Deed Pursuant to  
Power of Sale

EXHIBIT "A"

## MORTGAGEE'S QUITCLAIM DEED PURSUANT TO POWER OF SALE

THIS INDENTURE, executed January 27, 2011 by and between Deutsche Bank National Trust Company, a National Banking Association as Trustee in trust for the benefit of the Certificateholders for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-W2, by American Home Mortgage Servicing, Inc. as attorney in fact, as foreclosing mortgagee, hereinafter called the "Grantor" whose business and post office address is C/O American Home Mortgage Servicing, Inc., 6591 Irvine Center Drive, Mail-Stop DA-AM, Irvine, CA 92618 and Deutsche Bank National Trust Company, a National Banking Association as Trustee in trust for the benefit of the Certificateholders for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-W2, having all powers under said trust agreement, including full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all lands of the trust estate and any interest therein, as purchaser or its nominee, hereinafter called "Grantee", whose business and post office address is C/O American Home Mortgage Servicing, Inc., 6591 Irvine Center Drive, Mail-Stop DA-AM, Irvine, CA 92618.

### WITNESSETH:

THAT WHEREAS, a Notice of Mortgagee's Intention to Foreclose Under Power of Sale was recorded on 8/3/2010, in the Bureau of Conveyances of State of Hawaii as Document No. 2010-110595, (hereinafter referred to as the "Notice").

AND WHEREAS, pursuant to Grantor's foreclosure rights under power of sale as provided in Sections 667-5 through 667-10, Hawaii Revised Statutes, and that certain Mortgage dated 12/12/05, recorded in the Bureau of Conveyances, State of Hawaii as Land Court System document number 3368985 on Transfer Certificate Title Number 637,651, and in accordance with the terms of said Notice, the Grantor Deutsche Bank National Trust Company, a National Banking Association as Trustee in trust for the benefit of the Certificateholders for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-W2, herein duly held a public auction on 01/13/11, wherein the property hereinafter described was offered for sale, and wherein Grantee, or its nominee, was the purchaser of said property.

NOW THEREFORE, Grantor as foreclosing mortgagee as aforesaid, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to Grantor paid by the Grantee, receipt whereof is hereby acknowledged does hereby release, remise and forever quitclaim the real property more particularly described in "Exhibit A", hereto attached and expressly made a part hereof, unto Grantee as tenant in severalty;

And the reversions, remainders, rents, issues and profits thereof and all the rights, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all buildings, improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto Grantee, absolutely and forever.

TS 7090.23353

The terms "Grantor" and "Grantee" as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals or corporations, and their and each of their respective successors, heirs, personal representatives and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantor, as foreclosing mortgagee as aforesaid, has executed this Mortgagee's Quitclaim Deed as of the day and year first above written.

Deutsche Bank National Trust Company, a National Banking Association as Trustee in trust for the benefit of the Certificateholders for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-W2 by American Home Mortgage Servicing, Inc. as attorney in fact

Dated: 1-27-2011

By: Mandy Brand  
Mandy Brand

State of Florida  
County of Dade

On 1-27-2011 before me, Daniel M. Staten Notary Public, personally appeared Mandy Brand, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same and his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct

WITNESS my hand and official seal  
Daniel M. Staten



**Exhibit "A"**

ALL OF THAT CERTAIN PARCEL OF LAND SITUATE AT KEAAU, DISTRICT OF PUNA, ISLAND AND COUNTY OF HAWAII, STATE OF HAWAII, DESCRIBED AS FOLLOWS:

LOT 2787, AREA 1 ACRE, MORE OR LESS, IN BLOCK 7, AS SHOWN ON MAP 58, FILED WITH LAND COURT APPLICATION NO. 1053 (AMENDED) OF W. H. SHIPMAN, LIMITED.

TOGETHER WITH AN UNDIVIDED 1/5750TH INTEREST IN AND TO LOTS 60; 62; 8297; 8363; 8385; 8387 AND 3115 IN BLOCK 7; AND LOT 1 IN BLOCK 10; AS SHOWN ON MAPS 10, 10, 55, 56, 56, 57, 58 AND 65, RESPECTIVELY, OF SAID APPLICATION NO. 1053 (AMENDED); AND LOT 4-B, AS SHOWN ON MAP 2 OF LAND COURT APPLICATION NO. 1689 OF W. H. SHIPMAN, LIMITED; TO BE USED IN COMMON WITH OTHERS ENTITLED THERETO, FOR ROADWAY AND UTILITY PURPOSES ONLY.

BEING ALL OF THE PREMISES DESCRIBED IN AND COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 637,651.

ISSUED TO: KALE KEPEKAI GUMAPAC AND DIANNE DEE GUMAPAC, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY

(WARRANTY DEED RECORDED FEBRUARY 24, 2003 AS LAND COURT DOCUMENT NO. 2895104 OF OFFICIAL RECORDS.)



**PART I**  
**1. TAX MAP KEY INFORMATION:**

TAX MAP KEY				
Z	S	PLAT	PARCEL	GPR NO
1	5	055	052	0000

ISLAND Hawaii APT. NO. \_\_\_\_\_

**2. NAMES OF PARTIES TO THE DOCUMENT:**

**SELLER(S) / TRANSFEROR(S) / GRANTOR(S), ETC.**  
Deutsche Bank National Trust Company, a  
National Banking Association, as Trustee

**PURCHASER(S) / TRANSFEREE(S) / GRANTEE(S), ETC.**  
Deutsche Bank National Trust Company,  
a National Banking Association, as  
Trustee

**3. REAL PROPERTY TAX INFORMATION:**

If the document will not be recorded, please provide: (1) land area, and (2) address or short legal description of property: \_\_\_\_\_  
15-1716 2ND AVENUE KAAU, HI 96749

Please provide mailing address or assessment notice (do not enter "Same" or "No Change"):  
 NAME ADDRESS POSTAL/ZIP CODE  
American Home Mortgage Servicing, Inc. 6591 Irvine Center Drive, Irvine, CA 92618

Please provide real property tax billing address, if different from assessment address (do not enter "Same" or "No Change"):  
 NAME ADDRESS POSTAL/ZIP CODE

**PART II. TAX COMPUTATION AND BALANCE DUE:**

1. DATE OF TRANSACTION (For Transactions dated prior to July 1, 2009 see Instructions for rates.)	1.	<u>1/27/2011</u>
2. Amount from Page 2, Part IV, line 1, 2c, 3c, or 4c	2.	<u>152,000.00</u>
3. Less: personal property included in amount on line 2, if applicable	3.	
4. Difference — Actual and full consideration (line 2 minus line 3)	4.	<u>152,000.00</u>
5. By checking this box and signing below, the Purchaser(s)/Transferor(s)/Grantee(s), etc. attest under penalties set forth in the declaration below that this transaction is EITHER: • Not a sale of a condominium or single family residence OR • The purchaser is ELIGIBLE for a county real property tax homeowner's exemption with respect to the property conveyed..... 5. <input type="checkbox"/>		
6. Enter the applicable Conveyance Tax Rate: (For Transactions dated prior to July 1, 2009 see Instructions for rates.)		
If the amount on Line 4 is:	And the box on Line 5:	
Less than \$600,000	is NOT checked.	IS checked.
\$600,000 or more but less than \$1,000,000	.0015	.0010
\$1,000,000 or more but less than \$2,000,000	.0025	.0020
\$2,000,000 or more but less than \$4,000,000	.0040	.0030
\$4,000,000 or more but less than \$6,000,000	.0060	.0050
\$6,000,000 or more but less than \$10,000,000	.0085	.0070
\$10,000,000 or more	.0110	.0090
	.0125	.0100
7. Conveyance Tax (Multiply line 4 by line 6 and round to the nearest ten cents (\$.10))	7.	<u>228.00</u>
8a. Penalty. For late filing (See Instructions)	8a.	
8b. Interest. For late payment (See Instructions)	8b.	
9. Total Balance Due (Add lines 7 and 8)	9.	<u>228.00</u>

**DECLARATION**

I/We declare, under the penalties prescribed for false declarations in section 231-36, Hawaii Revised Statutes (HRS), that this certificate (including accompanying schedules or statements) has been examined by me (us) and to the best of my (our) knowledge and belief, is a true, correct, and complete certificate, made in good faith for the actual and full consideration paid on the conveyance to which this certificate is appended, pursuant to the Conveyance Tax Law, chapter 247, HRS. Note: You must have a power of attorney if signing as agent.

SIGNATURE(S) - Seller(s)/Transferor(s)/Grantor(s), Etc.  
 (If agent is signing, print or type name below signature)

SIGNATURE(S) - Purchaser(s)/Transferee(s)/Grantee(s), Etc.  
 (If agent is signing, print or type name below signature)

C. Pratt  
 Derek Wong, as Attorney  
 Charles Prattner

DAYTIME PHONE NO.: ( ) \_\_\_\_\_  
 E-MAIL ADDRESS: \_\_\_\_\_

DAYTIME PHONE NO.: ( 808 ) 532 - 0090  
 E-MAIL ADDRESS: \_\_\_\_\_

**PART III.** Enter all amounts paid or required to be paid for the real property interest conveyed (cash and/or noncash). See Instructions.

1. Cash.....	1	152,000.00
2. Relief/assumption of right.....	2	
3. Value of tangible good(s) (e.g. equipment, furniture, etc.).....	3	
4. Value of shares of stock.....	4	
5. Value of interest in limited liability company/limited liability partnership.....	5	
6. Value of any other economic benefit.....	6	
7. Total amount of actual and full consideration (add lines 1 through 6).....	7	152,000.00

**PART IV.** Fill in the appropriate line(s) for the transfer taking place and the amount of consideration. For more information, see Instructions.

<b>SALE, AGREEMENT OF SALE (A/S), ASSIGNMENT OF A/S, OR OTHER TRANSFER/CONVEYANCE:</b> 1. Total amount of actual and full consideration paid or required to be paid (From Part III, line 7).....	1	152,000.00
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<b>EXCHANGE OF PROPERTIES:</b>		
2a. Market value of all property(ies) exchanged.....	2a	
2b. Total amount of other actual and full consideration paid or required to be paid (From Part III, line 7).....	2b	
2c. Total (Add lines 2a and 2b).....	2c	

<b>ASSIGNMENT OF LEASE:</b>		
3a. Total amount of actual and full consideration paid or required to be paid (From Part III, line 7).....	3a	
3b. Value of any increase in lease rental capitalized at 6% (See Instructions).....	3b	
3c. Total (Add lines 3a and 3b).....	3c	

<b>LEASE OR SUBLEASE:</b>		
4a. Rent capitalized at 6% (See Instructions). Term _____ years beginning: _____ 1st period _____ yrs @ \$ _____ /yr. 2nd period _____ yrs @ \$ _____ /yr. 3rd period _____ yrs @ \$ _____ /yr. 4th period _____ yrs @ \$ _____ /yr. Total rent capitalized at 6%.....		
4a		
4b. Total amount of actual and full consideration paid or required to be paid for the leasehold, including improvements (from Part III, line 7).....	4b	
4c. Total (Add lines 4a and 4b).....	4c	

Mail or deliver this form with all applicable documents to the Bureau of Conveyances at:

Bureau of Conveyances  
P.O. Box 2867  
Honolulu, Hawaii, 96803-2867

OR

Bureau of Conveyances  
1151 Punchbowl Street  
Honolulu, Hawaii, 96813

INWOOD FACTORS AT 6%											
Years	Factor	Years	Factor	Years	Factor	Years	Factor	Years	Factor	Years	Factor
1	0.943	16	11.105	31	13.929	46	15.524	61	16.190	76	16.467
2	1.833	17	11.477	32	14.084	47	15.589	62	16.217	77	16.479
3	2.673	18	11.827	33	14.230	48	15.650	63	16.242	78	16.489
4	3.465	19	11.158	34	14.368	49	15.707	64	16.266	79	16.499
5	4.212	20	11.469	35	14.498	50	15.761	65	16.289	80	16.509
6	4.917	21	11.764	36	14.620	51	15.813	66	16.310	81	16.518
7	5.582	22	12.041	37	14.736	52	15.861	67	16.330	82	16.526
8	6.209	23	12.303	38	14.846	53	15.906	68	16.349	83	16.534
9	6.801	24	12.550	39	14.949	54	15.949	69	16.367	84	16.541
10	7.360	25	12.783	40	15.046	55	15.990	70	16.384	85	16.548
11	7.886	26	13.003	41	15.138	56	16.028	71	16.400	86	16.555
12	8.383	27	13.210	42	15.224	57	16.064	72	16.415	87	16.561
13	8.852	28	13.406	43	15.306	58	16.098	73	16.429	88	16.567
14	9.294	29	13.590	44	15.383	59	16.131	74	16.443	89	16.573
15	9.712	30	13.764	45	15.455	60	16.161	75	16.455	90	16.578

For leases with terms of more than 100 years, refer to Inwood Tables or an equivalent table that computes present value of \$1.00 per period at an interest rate of 6% per period.



NOTICE TO VACATE

State: HI  
Occupant: Dianne Dee Gumapac  
Client: Jackson & Associates

**RCO HAWAII, LLLC**

*A Law Firm and Professional Services Corporation*

900 Fort Street Mall, Suite 305  
Honolulu, HI 96813  
Telephone (808) 532-1050 • Facsimile (808) 524-0092  
www.rcollegal.com

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January 25, 2011

TO: Dianne Dee Gumapac  
15-1716 2nd Avenue  
Keeau, HI 96749

**NOTICE OF FORECLOSURE &  
TENANT'S RIGHTS UNDER FEDERAL LAW**

NOTICE IS HEREBY GIVEN THAT Deutsche Bank National Trust Company, a National Banking Association as Trustee in trust for the benefit of the Certificateholders for Agent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-W2, or its predecessor in interest, acquired title to the Premises at a foreclosure sale.

NOTICE IS FURTHER GIVEN THAT the Federal "Protecting Tenants at Foreclosure Act of 2009" ("PTFA") grants certain rights and protections to any occupant of the Premises who is a "bona fide" tenant, as defined by the PTFA. The Owner is informed and believes that no occupant of the Premises is a "bona fide" tenant as defined by the PTFA. This Notice is given, in part, to provide any occupant the opportunity, prior to the commencement of the eviction action for possession, to provide acceptable evidence to show that the occupant is entitled to the protection of the PTFA.

**TEN (10) DAY NOTICE TO VACATE.**

If you are a former owner or a person who is not a "bona fide" tenant under the PTFA, the Owner terminates any and all rights to occupancy and instructs you to vacate the Premises no later than ten (10) days following delivery of this letter.

**ALTERNATIVE NINETY (90) DAY NOTICE**

*In the event any occupant of the Premises is a bona fide tenant as defined by PTFA, this letter is the NINETY (90) DAY Notice to Vacate as required by PTFA.*

Thus, all occupants are required within ten (10) days after receipt by you of this Notice EITHER to produce acceptable evidence to this law firm that the occupant is entitled to the protections of the PTFA OR to vacate and surrender possession of the Premises to the Owner,

**EXHIBIT "B"**

through Annette Aiona, its agent, who can be reached at (808)935-3222 from 9:00 a.m. to 5:00 p.m. on all business days. Failure to supply the acceptable evidence or to vacate within that time will result in an eviction proceeding for possession of the Premises being filed. Please see the next paragraph for instructions on how to supply this evidence. **THE EVICTION WILL BE FILED WITHIN TEN (10) DAYS OF DELIVERY OF THIS LETTER UNLESS THIS FIRM AGREES IN WRITING NOT TO COMMENCE THE EVICTION.**

#### BONA FIDE TENANT INFORMATION

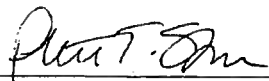
**IF YOU BELIEVE YOU QUALIFY AS A BONA FIDE TENANT UNDER PTFA of the prior owner, you must provide the following documents:**

- A copy of your lease (or, if your lease is oral, proof of rent payment)
- A return phone number and the best time to reach you
- The receipt for the last six (6) payments made to the landlord for the residence (or the length of time you have resided in the property, if less than six (6) months)

by mail, fax, or in person to:

RCO Hawaii, LLLC  
900 Fort Street Mall, Suite 305  
Honolulu, HI 96813  
Fax: (808)524-0092

For any questions, please call (808)532-0090

  
Peter T. Stone, Esq.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE IN TRUST FOR  
THE BENEFIT OF THE  
CERTIFICATEHOLDERS FOR ARGENT  
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PASS-THROUGH CERTIFICATES,  
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Plaintiff,

vs.

DIANNE DEE GUMAPAC; JOHN DOES 1-  
50; AND JANE DOE 1-50

Defendants.

CIVIL NO. \_\_\_\_\_  
(Other Civil Action)  
(Hilo)

**SUMMONS**

**SUMMONS**

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to file with the court and serve upon Charles R. Prather, Esq. or Sofia M. Hirosane, of RCO HAWAII, LLC, Plaintiff's Attorneys, whose address is 900 Fort Street Mall, Suite 800, Honolulu, Hawaii 96813, an answer to the Complaint for Ejectment which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint for Ejectment.

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Hilo, Hawaii, DEC 15 2011

LORNA K. CHIMEN (SEAL)  
CLERK OF THE ABOVE-ENTITLED COURT