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FILED

cc:
John Carroll, Esq.
Dan O'Phelan, Esq.
Mr. Philip Maise

2008 APR -2 PM 12: 03

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII
JUNITAOKA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

CECIL LORAN LEE	)	CIVIL NO. 05-1-196
	)	(Foreclosure)
Plaintiff and)	
Counterclaim-	)	FINDINGS OF FACT,
Defendant,	)	CONCLUSIONS OF LAW, AND
	)	ORDER DENYING DECREE OF
vs.	)	FORECLOSURE AGAINST ALL
	)	DEFENDANTS
LEONARD GEORGE HOROWITZ,)	
JACQUELINE LINDENBACH HOROWITZ	)	<u>Trial Dates:</u>
AND THE ROYAL BLOODLINE OF DAVID,)	
JOHN DOES 1-10, JANE DOES 1-10, DOE	)	February 12-14, 2008
PARTNERSHIPS 1-10, DOE	)	February 20-21, 2008
CORPORATIONS 1-10, DOE ENTITIES,)	
DOE GOVERNMENTAL UNITS,)	
	)	JUDGE RONALD IBARRA
Defendants and)	
Counterclaimants.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER DENYING DECREE OF
FORECLOSURE AGAINST ALL DEFENDANTS

This matter in equity having come before the Honorable Ronald Ibarra for bench trial¹ commencing the week of February 12, 2008 pursuant to Plaintiff's Complaint for Foreclosure filed on June 15, 2005 and Defendants' Counterclaims filed July 6, 2006. Dan O'Phelan, Esq. appeared for Plaintiff, John Carroll, Esq. appeared for Defendants, and Philip B. Maise appeared as Intervenor. Present were Plaintiff Cecil Loran Lee, Defendants Leonard George Horowitz and Jacqueline Lindenbach

¹ The issue was submitted to an advisory jury with the other causes of action.

Horowitz, individually and as representatives of the Royal Bloodline of David, and Intervenor Philip Maise. No other parties appeared. Having reviewed the evidence at trial, including the Exhibits, the credibility of all witnesses, the arguments of counsel, and records and file of the case,

FINDINGS OF FACT

If any of these findings are deemed conclusions of law they shall be construed as such:

1. For value received, Defendant LEONARD GEORGE HOROWITZ as Overseer of ROYAL BLOODLINE OF DAVID, maker, made executed and delivered to CECIL LORAN LEE, two (2) certain Promissory Notes dated January 15, 2004. One Note was for the principal sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) (received into evidence as Plaintiff's Exhibit P-4 at trial), and a second promissory note was for the principal sum of Twenty-Five Thousand Dollars (\$25,000.00)(received into evidence as Plaintiff's Exhibit P-5 at trial).
2. Both Notes were secured by that certain Mortgage (received into evidence as Plaintiff's Exhibit P-3 at trial) dated January 15, 2004, executed by Defendant HOROWITZ individually and as Overseer of ROYAL BLOODLINE OF DAVID, as mortgagor, in favor of CECIL LORAN LEE as mortgagee, and on January 23, 2004, filed in the Office of Registrar of Conveyances, Bureau of Conveyances, State of Hawaii, as Document Number 2004-014441 and noted on Warranty Deed document number 2004-014440. The property, more fully described in Exhibit "A" attached to the mortgage is located at 13-3775 Kalapana Highway, Pahoa, Hawaii 96778, TMK Numbers: (3) 1-3-001:048 and (3) 1-3-001:043.

Exhibits pg. 2

3. By Assignment of Mortgage dated January 15, 2004 and recorded in the Bureau of Conveyances, State of Hawaii, as Document Number 2004-014441, and noted on Warranty Deed document number 2004-014440 and recorded in the Office of the Registrar on Conveyances, Bureau of Conveyances, State of Hawaii, Plaintiff has become the owner of the Mortgage. Plaintiff is also the owner of the Notes in the amounts of \$350,000.00 and \$25,000.00 upon closing of the sale herein authorized. Defendants have made the monthly payments in the amount of \$2,333.33 per month pursuant to the Notes and Mortgage. Defendants have paid a total of \$165,666.43 in interest and \$25,000.00 good faith release of payment, for a total payment of \$190,666.43. The balloon payment is due January 15, 2009.
4. Two versions of the Escrow Instructions were drafted. One version required the subject property to be insured, the other version did not require the subject property to be insured. The jury found the version not requiring the subject property to be insured to be fraudulent. As a result, the version requiring the subject property to be insured was found by the jury to be the true version of the Escrow Instructions.
5. At the time of purchase Plaintiff represented to Defendants that the property could be used as a bed and breakfast. This later turned out to be untrue.
6. Defendants engage in commercial use of the property for their ministerial purposes and as a consequence, their insurance on the property was terminated. Defendants were advised by Bank of Hawaii Insurance on March 31, 2004 that the dwelling fire policy would be cancelled on April 23, 2004

(received into evidence as Plaintiff's Exhibit P-7). A Notice of Policy Termination or Cancellation was sent to Defendants from Island Insurance Companies on March 19, 2004 (received into evidence as Plaintiff's Exhibit P-9). Defendants failed to obtain insurance or maintain insurance on the property since the date of April 23, 2004 and during trial provided no proof that the property was insured.

7. Defendants cannot obtain insurance on the property because it is located in a lava zone.
8. Defendants constructed a pool and other structures on the property and modified the existing structures. Defendants failed to obtain Plaintiff's written consent for the new construction and modification of the existing structure in violation of the terms and conditions of the mortgage.
9. Defendants' modifications improved the subject property by painting, landscaping, and updates to the structure.

CONCLUSIONS OF LAW

If any of these conclusions of law are deemed findings of fact they shall be construed as such:

1. This Court has jurisdiction over the parties and the subject matter of this case, including the mortgaged property, and venue is proper in this circuit.
2. Plaintiff's Mortgage and Notes, dated January 15, 2004, executed by Defendants Horowitz and Royal Bloodline of David, as mortgagor and filed in the office of the Registrar of Conveyances, Bureau of Conveyances, State of Hawaii as document number(s) 2004-014440 and 2004-014441 is a valid first lien upon the property located at 13-3775 Kalapana Highway, Pahoehoe, Hawaii 96778 is a

Exhibits pg. 4

superior interest prior to the interest of all other parties in the mortgaged property and subordinate only to a lien for unpaid taxes.

3. Foreclosure is an equitable proceeding; therefore the principals of equity apply. Beneficial Hawaii, Inc. v. Kida, 96 Haw. 289, 312 30 P.3d 895, 918 (Haw. 2001).
4. Equity jurisprudence is not bound by strict rules of law, and a court of equity can mold its decree to do justice. Id.
5. Equity abhors forfeiture. Converse v. James, 89 Haw. 461, 473, 974 P.2d 1051, 1063 (Haw. App. 1997). Another maxim of equity is that "he who comes into equity must come with clean hands." 7's Enterprises Inc. v. Del Rosario, 111 Haw. 484, 489, 143 P.3d 23, 28 (Haw. 2006).
6. Although Defendants violated the terms and conditions of the mortgage by failing to maintain property insurance, and making improvements/modifications to the property without prior consent of Plaintiff; there is enough equity on behalf of Defendants to find foreclosure in this instant unjust.
7. Considering the equities involved with the timely payment, property improvements, balloon payment near due, and misleading statements by Plaintiff, foreclosure in this instant case would be unjust.

IT IS HEREBY ORDERED, Plaintiff's Decree of Foreclosure Against All Defendants is DENIED.

IT IS FURTHER ORDERED that the appropriate equitable remedy in this matter is that Defendants Leonard George Horowitz and Jacqueline Lindenbach Horowitz, individually and as representatives of the Royal Bloodline of David shall obtain insurance within thirty (30) days of this Order. In the event Defendants do not obtain insurance,

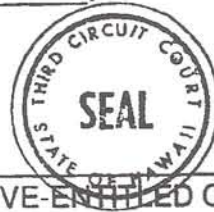
Exhibits pg. 5

Plaintiff shall obtain a rate quote on insurance and provide Defendants with the company's name and Defendants shall pay for the insurance within thirty (30) days.

IT IS FURTHER ORDERED that further appropriate equitable remedy is that the balloon payment be accelerated to September 1, 2008 in the event that insurance is available for purchase and Defendants do not purchase said insurance.

DATED: Kealahou, Hawaii

4/1/08



JUDGE OF THE ABOVE-ENTITLED COURT

FILED

cc:
John Carroll, Esq.
Dan O'Phelan, Esq.
Mr. Cecil Loran Lee
Mr. Philip Maise

2008 JUL 22 PM 12: 05

L. KITAOKA, CLERK
THIRD CIRCUIT COURT

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

CECIL LORAN LEE

Plaintiff and
Counterclaim-
Defendant,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants and
Counterclaimants.

CIVIL NO. 05-1-196
(Foreclosure)

FINAL JUDGMENT

Trial: Week of February 12, 2008

JUDGE RONALD IBARRA

FINAL JUDGMENT

Pursuant to the Revised Findings of Facts, Conclusions of Law, and Order Denying Decree of Foreclosure Against All Defendants dated April 2, 2008; the Order Granting Defendants Leonard George Horowitz, Jacqueline Lindenbach Horowitz, and The Royal Bloodline of David's Motion to Strike Plaintiff's Amended Complaint, filed on November 9, 2007, filed December 20, 2007, (Order filed March 18, 2008); the Order Denying Motion to Alter or Amend Judgment filed May 8, 2008; the Order Granting Defendants Leonard George Horowitz, Jacqueline Lindenbach Horowitz, and the Royal Bloodline of David's

Exhibit 2.

1

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

Clerk, Third Circuit Court, State of Hawaii

Exhibits pg. 7

Motion to Strike Plaintiff's Amended Complaint, filed on November 9, 2007, filed December 20, 2007 (Order filed March 18, 2008); and the Order Awarding Attorney's Fees and Costs, filed March 25, 2008; and the Court having considered the jury verdict herein; and further pursuant to Rule 58 of the Hawaii Rules of Civil Procedure,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that final judgment is hereby entered as follows:

1. As to the Complaint for Foreclosure filed June 15, 2005, pursuant to the Findings of Fact and Conclusions of Law entered on April 2, 2008, judgment is entered in favor of Plaintiff CECIL LORAN LEE (hereinafter "Plaintiff LEE") and against Defendants and Counterclaimants LEONARD GEORGE HOROWITZ, JACQUELINE LINDENBACH HOROWITZ AND THE ROYAL BLOODLINE OF DAVID (hereinafter "Defendants HOROWITZ"). The remedy of foreclosure is denied but equitable relief has been granted.

2. As to paragraph 12 of the Complaint for Foreclosure filed June 15, 2005, pursuant to the jury's verdict, judgment is entered in favor of Plaintiff LEE and against Defendants HOROWITZ in the amount of FOUR HUNDRED DOLLARS and NO/100 (\$400.00) as and for compensation for the loss of his trailer.

3. Pursuant to the jury's verdict, judgment for monetary damages is entered in favor of Defendants HOROWITZ in the amount of TWO HUNDRED THOUSAND DOLLARS and NO/100 (\$200,000.00) and against Plaintiff LEE.

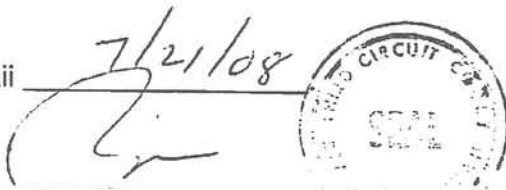
4. As to the allegation of fraud, paragraph 13 of the Complaint for Foreclosure filed June 15, 2005, pursuant to the jury's verdict, judgment is entered in favor of Defendants HOROWITZ against Plaintiff LEE as the jury found the fraudulently altered Agreement for Closing was not the legal cause of Plaintiff LEE's losses.

Exhibits pg. 8

5. Pursuant to the Order Awarding Attorneys' Fees and Costs, filed on March 25, 2008, judgment is entered in the sum of NINE HUNDRED SEVEN DOLLARS and 98/100 (\$907.98) for attorneys fees and costs in favor of Defendants HOROWITZ and against Plaintiff LEE.

This final judgment disposes of all of the claims, counterclaims and cross-claims raised by any and all parties in this action. There are no remaining claims or parties. All other claims are dismissed.

DATED: Kealahou, Hawaii

7/21/08

JUDGE OF THE ABOVE-ENTITLED COURT

Exhibits pg. 9

RECEIVED

FILED

FEB 25 2009

2009 FEB 23 PM 2:03

cc:
John Carroll, Esq.
Mr. Cecil Loran Lee
Mr. Philip Maise

C. GARCIALIRA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

CECIL LORAN LEE

Plaintiff and
Counterclaim-
Defendant,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants and
Counterclaimants.

CIVIL NO. 05-1-196
(Foreclosure)

AMENDED FINAL JUDGMENT

Trial: Week of February 12, 2008

JUDGE RONALD IBARRA

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

[Signature]
Clerk, Third Circuit Court, State of Hawaii

AMENDED FINAL JUDGMENT

Pursuant to the Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th 2006 Counterclaim for Fraud and Misrepresentation, filed on October 15, 2008; the Revised Findings of Facts, Conclusions of Law, and Order Denying Decree of Foreclosure Against All Defendants dated April 2, 2008; the Order Granting Defendants Leonard George Horowitz, Jacqueline Lindenbach Horowitz, and The Royal Bloodline of David's Motion to Strike Plaintiff's Amended Complaint, filed on November 9, 2007, filed December 20, 2007, (Order filed March 18, 2008); the Order Denying Motion to Alter or Amend Judgment filed May 8, 2008; the Order

Granting Defendants Leonard George Horowitz, Jacqueline Lindenbach Horowitz, and the Royal Bloodline of David's Motion to Strike Plaintiff's Amended Complaint, filed on November 9, 2007, filed December 20, 2007 (Order filed March 18, 2008); and the Order Awarding Attorney's Fees and Costs, filed March 25, 2008; and the Court having considered the jury verdict herein; and further pursuant to Rule 58 of the Hawaii Rules of Civil Procedure,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that final judgment is hereby entered as follows:

1. As to the Complaint for Foreclosure filed June 15, 2005, pursuant to the Findings of Fact and Conclusions of Law entered on April 2, 2008, judgment is entered in favor of Plaintiff CECIL LORAN LEE (hereinafter "Plaintiff LEE") and against Defendants and Counterclaimants LEONARD GEORGE HOROWITZ, JACQUELINE LINDENBACH HOROWITZ AND THE ROYAL BLOODLINE OF DAVID (hereinafter "Defendants HOROWITZ"). The remedy of foreclosure is denied but equitable relief has been granted.

2. As to paragraph 12 of the Complaint for Foreclosure filed June 15, 2005, pursuant to the jury's verdict, judgment is entered in favor of Plaintiff LEE and against Defendants HOROWITZ in the amount of FOUR HUNDRED DOLLARS and NO/100 (\$400.00) as and for compensation for the loss of his trailer.

3. Pursuant to the jury's verdict, judgment for monetary damages is entered in favor of Defendants HOROWITZ in the amount of TWO HUNDRED THOUSAND DOLLARS and NO/100 (\$200,000.00) and against Plaintiff LEE.

4. As to the allegation of fraud, paragraph 13 of the Complaint for Foreclosure filed June 15, 2005, pursuant to the Order Granting Plaintiff's Motion for Judgment as a Matter

of Law or Alternatively New Trial on Issue of Defendant's July 6th 2006 Counterclaim for Fraud and Misrepresentation, filed on October 15, 2008, judgment is entered in favor of Plaintiff LEE against Defendants HOROWITZ.

5. Pursuant to the Order Awarding Attorneys' Fees and Costs, filed on March 25, 2008, judgment is entered in the sum of NINE HUNDRED SEVEN DOLLARS and 98/100 (\$907.98) for attorneys fees and costs in favor of Defendants HOROWITZ and against Plaintiff LEE.

This final judgment disposes of all of the claims, counterclaims and cross-claims raised by any and all parties in this action. There are no remaining claims or parties. All other claims are dismissed.

DATED: Kealahou, Hawaii

2/20/09

JUDGE OF THE ABOVE-ENTITLED COURT



FILED

cc: P. Sulla, Esq.

J. Carroll, Esq.

P. Maiser, Esq.

2009 DEC 11 PM 4:19

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

L. MOCK CHEW, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

JASON HESTER, AS SUCCESSOR
OVERSEER OF THE OFFICE
OVERSEER, A CORPORATE SOLE AND
ITS SUCCESSOR OVER AND FOR THE
POPULAR ASSEMBLY OF REVITALIZE, A
GOSPEL OF BELIEVERS,

Plaintiff and Counterclaim Defendant,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ,
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants and Counterclaimants,

and

PHILIP MAISE,

Intervenor.

Civil No. 05-1-196

SECOND AMENDED FINAL
JUDGMENT

JUDGE RONALD IBARRA

SECOND AMENDED FINAL JUDGMENT

This matter came before the Honorable Ronald Ibarra pursuant to Order
Dismissing Appeal for Lack of Appellate Jurisdiction, filed by the Intermediate Court of
Appeals on October 6, 2009.¹

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

G. Mock Chew

Clerk, Third Circuit Court, State of Hawaii

¹ Cecil Loran Lee, Plaintiff/Counterclaim-Defendant/Appellant, v. Leonard George Horowitz, Jacqueline Lindenbach Horowitz, and The Royal Bloodline of David, Defendants/Counterclaim-Plaintiffs/Appellees, and John Does 1-10, Jane Does 1-10, Doe Partnerships 1-10, Doe Corporations 1-10, Doe Entities, Doe Governmental Units, Defendants; Appeal from the Circuit Court of the Third Circuit (Civ. No. 05-1-196) No. 29841

REC

Exhibit 4.

Exhibits pg. 13

DEC 15 2009

The court reviewed the complete record and file of the case.² A jury trial commenced on February 12, 2008. Pursuant to the jury's findings this court issued Findings of Fact, Conclusions of Law, and Order Denying Decree of Foreclosure Against All Defendants, filed on April 2, 2008, and entered Final Judgment on July 22, 2008. On October 15, 2008, this court entered an Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on the Issue of Defendant's July 6, 2006 Counterclaim for Fraud and Misrepresentation.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that final judgment on the Complaint for Foreclosure filed June 15, 2005³ is hereby entered as follows:

As to the claim for foreclosure, judgment is entered in favor of Defendants and against Plaintiff, but equitable relief has been granted. Foreclosure was requested on the basis that Defendants failed to provide property insurance, not because of default on the promissory notes and mortgage.

As to the claim for deficiency judgment, judgment is entered in favor of Defendants and against Plaintiff.

As to the two claims for waste, judgment is entered in favor of Defendants and against Plaintiff.

As to the claim for trespass to chattels based on destruction of Plaintiff/Counterclaim Defendant Lee's trailer, judgment is entered in favor of Plaintiff and against Defendants, and damages of \$400.00 is awarded.

² The Order for Substitution of Plaintiff filed August 31, 2009 substituted Jason Hester, as Successor Overseer of the Office of Overseer, A Corporate Sole and Its Successors Over and For the Popular Assembly of Revitalize, a Gospel of Believers for the previously-named plaintiff, Cecil Loran Lee.

³ Although Plaintiff filed an Amended Complaint for Foreclosure on November 9, 2007, it was struck because of improper service by the Order Granting Defendants Leonard Horowitz, Jacqueline Lindenbach Horowitz, and The Royal Bloodline of David's Motion to Strike Plaintiff's Amended Complaint Filed on November 9, 2007, Filed 12/20/07, filed on March 18, 2008. This left Plaintiff's original Complaint for Foreclosure, filed June 15, 2005, standing as his claims for relief.

As to the two claims for conspiracy, judgment is entered in favor of Defendants and against Plaintiff.

As to the claim for fraud against Intervenor Maise and Defendant Leonard George Horowitz based on trespass to chattels and/or deprivation of mortgage payments, judgment is entered in favor of Intervenor Maise and Defendant Leonard George Horowitz and against Plaintiff.

As to the claim for fraud against Defendants Horowitz and The Royal Bloodline of David for changing the DROA (deposit receipt offer and acceptance), judgment is entered in favor of Plaintiff and against Defendants.⁴

As to the claim for breach of contract for failure to keep property insurance, judgment is entered in favor of Plaintiff and against Defendants. Equitable relief was ordered by requiring Defendants to carry insurance.

IT IS FURTHER ORDERED that the following relief be had from the Defendants' Counterclaims, filed July 6, 2006:

As to the claim for abuse of process and malicious prosecution, judgment is entered in favor of Plaintiff and against Defendants.

Pursuant to the jury's verdict of February 21, 2008, the count for misrepresentation and fraud, judgment was entered in favor of Defendants and against Plaintiff, but this relief was VACATED by the Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on the Issue of Defendant's July 6, 2006 Counterclaim for Fraud and Misrepresentation, filed October 15, 2008.⁵

⁴ Although the jury verdict of February 21, 2008 found that the DROA was fraudulently altered, they also found that this alteration was not the legal cause of Plaintiff's losses, so no damages were awarded to Plaintiff Lee.

⁵ The \$200,000 jury award in favor of Defendants and against Plaintiff Lee for fraud was vacated by the Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on the Issue

Pursuant to the Order Awarding Attorneys' Fees and Costs, filed on March 25, 2008, judgment is entered in the sum of nine hundred and seven dollars and ninety-eight cents (\$907.98) for attorney fees and costs in favor of Defendants and against Plaintiff.

This final judgment disposes of all claims, counterclaims and cross-claims raised by any and all parties in this action. There are no remaining claims or parties to be addressed.

DATED: Kealahou, Hawai'i; _____

12/10/09



The Honorable Ronald Ibarra

of Defendant's July 6, 2006 Counterclaim for Fraud and Misrepresentation filed October 15, 2008. It was erroneously reinstated by this court's Amended Final Judgment filed February 23, 2009. It is clarified that there is no award for \$200,000 for the claim of fraud as this court found that it was not plead with particularity and struck the claim for fraud on October 15, 2008, thereby eliminating the jury's finding, which was that Plaintiff Lee committed fraud or misrepresentation with the sale of the property, and this fraud was the cause of Defendants' damages and therefore the jury awarded special damages of \$200,000.

Exhibits pg. 16

FILED

cc: Paul Sulla, Esq.
John Carroll, Esq.
Leonard George Horowitz

2013 SEP 12 PM 1:45

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

HENRIETTA CHONG, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

JASON HESTER, OVERSEER THE
OFFICE OF OFFICE OF OVERSEER, A
CORPORATE SOLE AND HIS
SUCCESSORS, OVER/FOR THE
POPULAR ASSEMBLY OF REVITALIZE, A
GOSPEL OF BELIEVERS,

Plaintiff,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ,
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ,
AND THE ROYAL BLOODLINE OF DAVID,

Counterclaimants,

vs.

JASON HESTER, OVERSEER THE
OFFICE OF OFFICE OF OVERSEER, A
CORPORATE SOLE AND HIS
SUCCESSORS, OVER/FOR THE
POPULAR ASSEMBLY OF REVITALIZE, A
GOSPEL OF BELIEVERS,

Counterclaim Defendant.

Civil No. 05-1-196K

THIRD AMENDED FINAL
JUDGMENT

Jury Trial: beginning on February 12,
2008

JUDGE RONALD IBARRA

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

THIRD AMENDED FINAL JUDGMENT

Exhibit 5.

This matter comes before the above-referenced Court pursuant to Order Dismissing Appeal for Lack of Appellate Jurisdiction (Order), filed by the Intermediate Court of Appeals (ICA) on January 23, 2013¹. The ICA in its January 23, 2013 Order, decided that the Second Amended Final Judgment "does not satisfy the requirements for an appealable judgment under HRS § 641-1(a), HRCF Rule 54(b), or the holding in Jenkins," because final judgment had not been entered on Defendants and Counterclaimants' counterclaim for fraud and misrepresentation. Having fully reviewed the record and files herein, and for good cause shown, including that this Court, in its October 15, 2008 Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on issue of Defendants' July 6, 2006 Counterclaim for Fraud and Misrepresentation decided, "judgment in favor of Plaintiff and Counterclaim Defendant shall be entered on the issue of Defendants' Counterclaim for Fraud and Misrepresentation as Defendants and Counterclaimants' failed to plead fraud or misrepresentation as to the sale of the property with particularity,"

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

The Second Amended Final Judgment is amended to include:

As to Defendants/Counterclaimants' Counterclaims filed July 6, 2006, Claim A, Misrepresentation and Fraud: Judgment is entered in favor of Plaintiff/Counterclaim Defendant Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of

¹ No. 30293, Jason Hester, Overseer the Office of Overseer, A Corporate Sole and His Successors, over/for the Popular Assembly of Revitalize, a Gospel of Believers, Plaintiff/Counterclaim Defendant-Appellee v. Leonard George Horowitz and Jacqueline Lindembach Horowitz, Defendants/Defendants in Intervention-Appellants, and The Royal Bloodline of David, Defendant/Defendant in Intervention/Counterclaimants-Appellants, and Philip B. Maise, Plaintiff in Intervention/Cross-Claim Defendant, Appeal from the Circuit Court of the Third Circuit (Civil No. 05-1-196).

Believers and against Defendants/Counterclaimants Leonard George Horowitz,
Jacqueline Lindenbach Horowitz and The Royal Bloodline Of David.

DATED: Kealahou, Hawai'i; SEP 11 2013

/s/ Ronald Ibarra (seal)
The Honorable Ronald Ibarra

FILED

cc: Paul Sulla, Esq.
John Carroll, Esq.
Leonard George Horowitz

2015 JUN 19 AM 10:17

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

L. KITAHARA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

JASON HESTER, OVERSEER THE
OFFICE OF OVERSEER, A CORPORATE
SOLE AND HIS SUCCESSORS,
OVER/FOR THE POPULAR ASSEMBLY
OF REVITALIZE, A GOSPEL OF
BELIEVERS,

Plaintiff,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ¹,
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants,

and

PHILIP MAISE

Intervenor.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ,
AND THE ROYAL BLOODLINE OF DAVID,

Counterclaimants,

vs.

JASON HESTER, OVERSEER THE
OFFICE OF OVERSEER, A CORPORATE

Civil No. 05-1-196

FOURTH AMENDED FINAL
JUDGMENT

Jury Trial: February 12-14, 2008
February 20-21, 2008

JUDGE RONALD IBARRA

¹ Jacqueline Lindenbach Horowitz, although noted in the caption, there are no claims alleged against her in the Complaint, she first appears as a claimant in Defendants Counterclaims filed July 6, 2006.

Exhibit 6.

1

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

Exhibit pg. 20

Clerk, Third Circuit Court, State of Hawaii

SOLE AND HIS SUCCESSORS,)
 OVER/FOR THE POPULAR ASSEMBLY)
 OF REVITALIZE, A GOSPEL OF)
 BELIEVERS,)
)
 Counterclaim Defendant.)
 _____)

FOURTH AMENDED FINAL JUDGMENT

This matter comes before the above-referenced Court pursuant to the Order Granting Motion to Dismiss Appeal for Lack of Appellate Jurisdiction, E-filed into CAAP-13-0003796 on January 29, 2014 by the Intermediate Court of Appeals ("ICA"). The ICA in its January 29, 2014 Order, decided the Third Amended Final Judgment does not satisfy the requirements for an appealable judgment under HRS § 641-1(a), HRCP Rule 58, or the holding in Jenkins v. Cades Schutte Fleming & Wright, Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

On February 12, 2008 a jury trial in this matter commenced, finishing February 21, 2008. Pursuant to the Order Awarding Attorney's Fees and Costs filed March 25, 2008; the Findings of Facts, Conclusions of Law, and Order Denying Decree of Foreclosure against all Defendants, filed April 2, 2008; the Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on the Issue of Defendant's July 6, 2006 Counterclaim for Fraud and Misrepresentation, filed October 15, 2008; The Second Amended Final Judgment filed December 11, 2009; and The Third Amended Final Judgment filed September 12, 2013;

This Court Having fully reviewed the record and files herein, and for good cause shown;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I. That Final Judgment on the Complaint for foreclosure filed June 15, 2005 is hereby entered pursuant to HRCP Rule 58 as follows:

a. As to the waste claims for unlicensed business activities and additions to the home or construction of buildings on the property, judgement is entered in favor of Defendants Leonard George Horowitz, and The Royal Bloodline of David and against Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers.

b. As to the claim for breach of contract/covenant for failure to keep property insurance, judgment is entered in favor of the Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers and against Defendants Leonard George Horowitz, and The Royal Bloodline of David.

c. As to the claims for conspiracy by Defendant Horowitz, Defendant Royal Bloodline of David and co-conspirator Intervenor Phillip Maise, to deprive Plaintiff of receipt of mortgage payments and defrauding plaintiff, judgment is entered in favor of the Defendant Leonard Horowitz, Defendant The Royal Bloodline of David, and Intervenor Phillip Maise and against Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers.

d. As to the claim for trespass to chattels based on destruction of Plaintiff [Lee's] trailer, judgment is entered in favor of Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers and against Defendants Leonard

George Horowitz, and The Royal Bloodline of David, and Judgment for damages of \$400.00 is entered in favor of Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers and against Defendant Leonard Horowitz and the Royal Bloodline of David.

e. As to the claim for fraud and misrepresentation against Defendant Leonard Horowitz and the Royal Bloodline of David for changing the DROA (deposit receipt offer and acceptance), judgment is entered in favor of Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers and against Defendants, Leonard George Horowitz, and The Royal Bloodline of David.

f. As to the claim for foreclosure, judgment is entered in favor of Defendants, Leonard George Horowitz, and The Royal Bloodline of David and against Plaintiff, Jason Hester Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers, but equitable relief was granted requiring Defendants to carry insurance.²

II. IT IS FURTHERED ORDERED that Final Judgment on the Defendants' Counterclaims filed July 6, 2006 is hereby entered pursuant to HRCP Rule 58 as follows:

² Foreclosure was requested on the basis that Defendants committed waste on the property, failed to keep insurance on the property, conspiracy, trespass to chattels, and for fraud/misrepresentation, not because of default on the promissory note and mortgage. The equities involved with the timely payment, property improvements, balloon payment, and misleading statements by plaintiff, make foreclosure unjust. Foreclosure having been denied the request for a joint and several deficiency judgment was not necessary nor the appointment of a commissioner.

a. As to Defendants, Leonard George Horowitz, Jacqueline Lindenbach Horowitz and The Royal Bloodline of David, Counterclaims filed July 6, 2006, Claim A, for Misrepresentation and Fraud: Judgment is entered in favor of Plaintiff/Counterclaim Defendant Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers and against Defendants/Counterclaimants Leonard George Horowitz, Jacqueline Lindenbach Horowitz and The Royal Bloodline of David as Defendants/Counterclaimants. The Jury's award to the Defendants in the amount of \$200,000 is VACATED³.

b. As to the Defendants Counterclaim filed July 6, 2006, Claim B, for Abuse of Process and Malicious Prosecution, Judgment is entered in favor of Plaintiff/Counterclaim Defendant Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers and against Defendants/Counterclaimants Leonard George Horowitz, Jacqueline Lindenbach Horowitz and The Royal Bloodline of David.

III. IT IS FURTHERED ORDERED that Final Judgment is hereby entered pursuant to HRCP Rule 58 as follows;

a. Pursuant to the Order Awarding Attorney's Fees and Costs, filed on March 25, 2008, judgment is entered in the sum of nine hundred and seven dollars and ninety-eight cents (\$907.98) for attorney fees and costs in favor of Defendants,

³ Pursuant to the Jury's verdict on February 21, 2008, the count for fraud and misrepresentation, judgment was entered in favor of the Defendants and against Plaintiff, but this relief was vacated by the Order Granting Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on the issue of Defendants' July 6, 2006 Counterclaim for fraud and Misrepresentation filed October 15, 2008 and the Third Amended Final Judgment filed September 12, 2013, as a result, the \$200,000.00 award to Defendants, Leonard George Horowitz, Jacqueline Lindenbach Horowitz and The Royal Bloodline of David was VACATED.

Leonard George Horowitz, Jacqueline Lindenbach Horowitz and The Royal Bloodline of David and against Plaintiff, Jason Hester, Overseer the Office of Office of Overseer, A Corporate Sole and his Successors, Over/For the Popular Assembly of Revitalize, A Gospel of Believers.

This final judgment disposes of all claims, counterclaims and cross-claims raised by any and all parties in this action. There are no remaining claims or parties to be addressed in this action.

DATED: Kealahou, Hawai'i; _____

JUN 19 2015

/s/ Ronald Ibarra (seal)
The Honorable Ronald Ibarra

ORIGINAL

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

CECIL LORAN LEE,

Plaintiff,

vs.

LEONARD GEORGE HOROWITZ,
et al.,

Defendant.

CIVIL NO. 05-1-196

SPECIAL VERDICT

2008 FEB 21 PM 5:58
Lani Ng
THIRD CIRCUIT COURT
STATE OF HAWAII

FILED

SPECIAL VERDICT

Exhibit 7.

Exhibits pg. 26

SPECIAL VERDICT

The Jury must answer the questions below in accordance with the stated directions. To understand what issues are being submitted to you, you may wish to read over the entire Special Verdict form before proceeding to answer. Answer the questions in numerical order and follow all directions carefully. If you do not understand any question or if wish to communicate with the Court on any other subject, you must do so in writing through the bailiff. At least ten (10) of the twelve (12) jurors must agree on each answer before filling in each blank. However, the same ten (10) jurors need not agree on each answer. After you have answered the required questions, the foreperson shall sign the Special Verdict form and notify the bailiff.

If the Court has not previously ruled,

Question 1. Is Plaintiff Cecil Loran Lee entitled to a foreclosure of the mortgage as prayed for in his complaint?

Answer "Yes" or "No" in the space provided below, then go on to Question 2.

Yes ✓ No _____

Question 2. Did Defendants commit trespass to chattels against Plaintiff Cecil Loran Lee's personal property?

YES ✓ NO _____

If you answered "Yes", proceed to Question 3. If you answered "No", proceed to Question 4.

Question 3. What amount of damages, if any, do you award Plaintiff?

Special Damages: \$ 400

Proceed to Question 4.

Question 4. Was the agreement for closing fraudulently altered?

YES ✓ NO

If you answered "Yes" to Question 4, proceed to Question 5. If you answered "No", proceed to Question 9.

Question 5. Answer this question only if you answered "Yes" to Question 4. Identify the party or parties you found fraudulently altered the agreement for closing by marking an "X" next to their name.

Plaintiff Cecil Loran Lee

Defendant Leonard George Horowitz ✓

Defendant Jacqueline Lindenbach Horowitz

Defendant The Royal Bloodline of David

Proceed to Question 6.

Question 6. This question relates to the forging and/or altering of the Agreement for Closing committed by party or parties you identified in Question 5. If you identified Plaintiff Cecil Loran Lee proceed to subsection (a). If you identified a Defendant proceed to subsection (b).

Question 6 subsection (a)

Was forging and/or altering of the Agreement for Closing by Plaintiff Cecil Loran Lee a legal cause of Defendants' losses?

YES NO

If you answered "Yes" to Question 6 (a), proceed to Question 8. If you answered "No", proceed to Question 9.

Question 6 subsection (b)

Was forging and/or altering of the Agreement for Closing by the Defendant(s) identified in Question 5 a legal cause of Plaintiff's losses?

YES _____ NO ✓ _____

If you answered "Yes" to Question 6 subsection (b), proceed to Question 7. If you answered "No", proceed to Question 9.

Question 7. Answer this question only if you answered "Yes" to Question 6 subsection (b). What amount of damages, if any, do you award Plaintiff Cecil Loran Lee?

Special Damages: \$ _____

Punitive Damages: \$ _____

Proceed to Question No. 9.

Question 8. Answer this question only if you answered "Yes" to Question 6 subsection (a). What amount of damages, if any, do you award Defendants?

Special Damages: \$ _____

Punitive Damages: \$ _____

Proceed to Question 9.

Question 9. Did Plaintiff Cecil Loran Lee commit fraud or misrepresentation regarding the sale of the property?

YES ✓ _____ NO _____

If you answered "Yes" to Question 9, proceed to Question 10. If you answered "No", then do not answer any further questions, but please sign and date this document and call the bailiff.

Question 10. Answer this question only if you answered "Yes" to Question 9. Was Plaintiff's fraud or misrepresentation regarding the sale of the property a legal cause of Defendants' losses?

YES ✓ NO

If you answered "Yes" to Question 10, proceed to Question 11. If you answered "No", then do not answer any further questions, but please sign and date this document and call the bailiff.

Question No.11. Answer this question only if you answered "Yes" to Question No. 10. What amount of damages, if any, do you award Defendants?

Special Damages: \$ 200,000.00

Punitive Damages: \$ 0

The foreperson shall sign and date this document and summon the bailiff.

DATED: Kealahue, Hawaii, 2-21-08

Loray Spivey
FOREPERSON

FILED

cc:
John Carroll, Esq.
Dan O'Phelan, Esq.
Mr. Philip Maise

2008 JUN 13 PM 1:28

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

L. MOCK CHEW, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

CECIL LORAN LEE

Plaintiff and
Counterclaim-
Defendant,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants and
Counterclaimants.

CIVIL NO. 05-1-196
(Foreclosure)

ORDER DENYING PLAINTIFF'S
MOTION TO ALTER OR
ALTERNATIVELY NEW TRIAL ON
ISSUE OF DEFENDANTS' JULY 6,
2006 COUNTERCLAIM FOR FRAUD
AND MISREPRESENTATION

JUDGE RONALD IBARRA

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

L. Mock Chew
Clerk, Third Circuit Court, State of Hawaii

ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR ALTERNATIVELY NEW
TRIAL ON ISSUE OF DEFENDANTS' JULY 6, 2006 COUNTERCLAIM FOR FRAUD
AND MISREPRESENTATION

This matter, having come before the Honorable Ronald Ibarra, pursuant
Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of
Defendant's July 6th, 2006 Counterclaim for Fraud and Misrepresentation filed on March
11, 2008 and the Court, having reviewed the Memorandum in Support of Motion;
Exhibits A-F; Declaration of Dan O'Phelan attached, Defendants and Counterclaimants
Leonard George Horowitz and The Royal Bloodline of David's Memorandum in
Opposition to Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New
Trial on Issue of Defendant's July 6th 2006 Counterclaim for Fraud and

Exhibit 8.

1

EXHIBITS pg. 31
PAGE 1 OF 2

Misrepresentation, filed herein on March 11, 2008 filed on March 24, 2008, as well as the record and file of the case,

IT IS HEREBY ORDERED Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th, 2006 Counterclaim for Fraud and Misrepresentation filed on March 11, 2008 having been filed prior to entry of judgment under Haw. R. Civ. Pro. 59 is DENIED without prejudice.

DATED: Kealahou, Hawaii

6/3/08



JUDGE OF THE ABOVE-ENTITLED COURT

10
FILED

cc:
J. Carroll, Esq.
C. Lee
P. Maise

2008 OCT 15 PM 2:50

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

L. Kitaura
L. KITAURA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

CECIL LORAN LEE,	)	CIVIL NO. 05-1-196
)	
Plaintiff and	)	ORDER GRANTING PLAINTIFF'S
Counterclaim Defendant	)	MOTION FOR JUDGMENT AS A
	)	MATTER OF LAW OR
vs.	)	ALTERNATIVELY NEW TRIAL ON
	)	ISSUE OF DEFENDANT'S JULY 6 TH ,
LEONARD GEORGE HOROWITZ,	)	2006 COUNTERCLAIM FOR FRAUD
JACQUELINE LINDENBACH HOROWITZ	)	AND MISREPRESENTATION
AND THE ROYAL BLOODLINE OF DAVID,)	
JOHN DOES 1-10, JANE DOES 1-10, DOE	)	JUDGE RONALD IBARRA
PARTNERSHIPS 1-10, DOE)	
CORPORATIONS 1-10, DOE ENTITIES,)	
DOE GOVERNMENTAL UNITS,)	
)	
Defendants and)	
Counterclaimants.)	

ORDER GRANTING PLAINTIFF'S MOTION FOR JUDGMENT AS A MATTER OF
LAW OR ALTERNATIVELY NEW TRIAL ON ISSUE OF DEFENDANT'S JULY 6TH,
2006 COUNTERCLAIM FOR FRAUD AND MISREPRESENTATION

This matter, having come before the Honorable Ronald Ibarra, pursuant to Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th, 2006, Counterclaim for Fraud and Misrepresentation, filed on March 11, 2008 and heard on August 12, 2008. Cecil Loran Lee appeared pro se as Plaintiff and John Carroll, Esq. appeared on behalf of Defendants. The Court having heard the argument at hearing; and having reviewed the Memorandum in Support of Motion; Exhibits A-F; and Declaration of Dan O'Phelan attached; Defendants and Counterclaimants Leonard George Horowitz and The Royal Bloodline of David's Memorandum in Opposition to Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th

Exhibits pg. 33

Exhibit 9.

2006 Counterclaim for Fraud and Misrepresentation, filed herein on March 11, 2008, filed on March 24, 2008; Notice of Re-Submission of Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th, 2006 Counterclaim for Fraud and Misrepresentation; Memorandum in Support of Motion; Exhibits A-G; Declaration of Dan O'Phelan, filed on June 26, 2008; and Notice of Resubmission of Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th, 2006 Counterclaim for Fraud and Misrepresentation; Memorandum in Support of Motion; Exhibits A-F; Declaration of Dan O'Phelan, filed on July 29, 2008; as well as the record and file of the case,

IT IS HEREBY ORDERED, Plaintiff's Motion for Judgment as a Matter of Law or Alternatively New Trial on Issue of Defendant's July 6th, 2006, Counterclaim for Fraud and Misrepresentation is GRANTED and judgment in favor of Plaintiff and Counterclaim Defendant shall be entered on the issue of Defendants' Counterclaim for Fraud and Misrepresentation as Defendants and Counterclaimants' failed to plead fraud or misrepresentation as to the sale of the property with particularity.

DATED: Kealahou, Hawaii 10/14/08.



JUDGE OF THE ABOVE-ENTITLED COURT

FILED

cc:
J. Carroll, Esq.
C. Lee
P. Maise

2008 OCT 15 PM 2:49

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

L. KITADKA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

CECIL LORAN LEE,

Plaintiff and Counterclaim
Defendant

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ AND
THE ROYAL BLOODLINE OF DAVID, JOHN
DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE CORPORATIONS
1-10, DOE ENTITIES, DOE GOVERNMENTAL
UNITS,

Defendants and
Counterclaimants.

CIVIL NO. 05-1-196

ORDER DENYING DEFENDANTS AND
COUNTERCLAIMANT'S MOTION FOR
ATTORNEY'S FEES AND COSTS

NON-HEARING
MOTION FILED:

August 6, 2008

JUDGE RONALD IBARRA

ORDER DENYING DEFENDANTS AND COUNTERCLAIMANT'S MOTION FOR ATTORNEY'S
FEES AND COSTS

This matter, having come before the Honorable Ronald Ibarra, pursuant to Defendants and Counterclaimant's Motion for Attorney's Fees and Costs filed on August 6, 2008; Plaintiff's Opposition to Defendants and Counterclaimants Motion for Attorney's Fees and Court Costs and Opposition to Defendants Final Judgment and Order in Favor of Defendants and Counterclaimants filed on August 26, 2008; and the Court, having reviewed the Declaration of Counsel; Exhibits "A" – "B" attached; as well as the record and file of the case,

IT IS HEREBY ORDERED, Defendants and Counterclaimant's Motion for Attorney's Fees and Costs filed on August 6, 2008 is DENIED as although foreclosure was not granted other equitable relief was granted.

DATED: Kealahou, Hawaii

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

JUDGE OF THE ABOVE-ENTITLED COURT

Exhibit 10.

Exhibit 10. 35

PAGE 1 of 1

FILED

✓ Philip Maise,
12-118 Kipuka Street
Pahoa, Hawaii 96778
William Rosdil, Attorney for Defendant Lee

2005 APR 27 AM 10:34

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

RECEIVED CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

STATE OF HAWAII

PHILIP B. MAISE,

Plaintiff,

vs.

CECIL LORAN LEE,

Defendant.

) CIVIL NO. 01-1-444

)

) ORDER DENYING CECIL LORAN LEE'S
) MOTION TO SET ASIDE DEFAULT JUDGMENT
) FILED ON DECEMBER 10, 2004

)

)

)

)

)

ORDER DENYING DEFENDANT CECIL LORAN LEE'S MOTION
TO SET ASIDE DEFAULT JUDGMENT. FILED ON DECEMBER 10, 2004

On January 6, 2005, a hearing on Defendant Cecil Loran Lee's Motion to Set Aside Default Judgment, filed on December 10, 2004 (the "Motion"), was held. Defendant Cecil Loran Lee was represented by William Rosdil. Plaintiff Philip B. Maise appeared *pro se*.

Further hearings on the Motion were held on March 3, 2005 and March 29, 2005. For those hearings, Defendant Lee was represented by Paul Hamano. Plaintiff appeared *pro se*.

Based upon the evidence presented and the argument of the parties, and the record and file in this case, the Court enters herein its findings of fact, conclusions of law and order denying the Motion.

I. Findings of Fact.

1. On October 11, 2001, Plaintiff filed the Complaint herein.
2. On October 19, 2001, a Return and Acknowledgment of Service was filed. It

EXHIBIT Exhibit 11.

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

Odessa

Clerk, Third Circuit Court, State of Hawaii

Exhibits pg. 36

reflected service of the Complaint and Summons on Defendant Lee on October 17, 2001.

3. On December 24, 2001, Plaintiff obtained an Entry of Default against Defendant Lee based upon Defendant Lee's failure to timely answer the Complaint and Summons.

4. On May 6, 2002, Defendant Lee, acting *pro se*, filed Defendant Cecil Loran Lee's Motion to Set Aside Plaintiff's Request to Clerk to Enter Default of Defendants Cecil Loran Lee and Michael Boyd Filed on December 24, 2001 ("Defendant's First Motion to Set Aside Entry of Default"). In the Declaration of Cecil Loran Lee, filed in support of Defendant's First Motion to Set Aside Entry of Default, Defendant Lee alleged as follows:

2. I have undergone a liver transplant and as a result I have been unable to function normally.
3. From October 11, 2001, too [*sic*. "to"] just recently my health has been bad and I did not have the ability to deal with the Complaint.

5. In support of Defendant's First Motion to Set Aside Entry of Default, pursuant to a Certificate of Service, filed on June 6, 2002, Defendant Lee submitted:

- a. A letter dated December 21, 2001, purportedly from Dr. Alan H.S. Cheung to Jeffery T. Arakaki;
- b. A letter dated November 1, 2001, purportedly prepared by Dr. John McVicar;
- c. A memorandum dated June 3, 1997, purportedly prepared by Dr. Francis Yao; and
- d. A Physician's Certified Report On Eye or Hearing Examination or Disability for Tax Exemption Purposes purportedly prepared by Dr. Alan H.S. Cheung.

6. On July 1, 2002, the Court entered an Order Granting Defendant Cecil Loran Lee's Motion to Set Aside Plaintiff's Request to Clerk To Enter Default of Defendants Cecil Loran Lee

and Michael Boyd, filed on July 1, 2002, setting aside the Entry of Default as to Defendant Lee.

7. On October 14, 2002, Steven D. Strauss ("Strauss") entered an appearance on behalf of Defendant Lee as attorney of record.

8. On February 3, 2003, a Withdrawal and Substitution of Counsel was entered under which Strauss withdrew and Nathan R. Brenner ("Brenner") appeared on behalf of Defendant Lee as the attorney of record.

9. On October 10, 2003, the Hawai'i Supreme Court, pursuant to an Order Denying Without Prejudice the September 11, 2003 Petition for the Immediate Suspension of Respondent Brenner From the Practice of Law Pursuant to RSCH Rule 2.12A, and Transferring Respondent Brenner to Inactive Status Pursuant to RSCH Rule 2.19(c), ordered that Brenner be transferred to inactive status as an attorney.

10. On December 26, 2003, Defendant Lee, apparently acting *pro se*, filed Defendant's Opposition to Plaintiff's Motion for Summary Judgment. At that time, Defendant Lee indicated that his address was:

13-3775 Kalapana Highway
Pahoa, Hawaii 96778

11. On January 8, 2004, a hearing was held on Plaintiff's Motion for Summary Judgment. Defendant Lee appeared *pro se*. At that time, the case was set for trial to begin on February 12, 2004, at 9:00 a.m.

12. On January 8, 2004, Defendant Lee presented a document to the documents clerks' office at the Third Circuit Court, State of Hawai'i (the "January 8, 2004 Notice of Change of Address"). The document purported to inform the "Clerk of the Court", that his address was

changed from:

13-3775 Kalapana Hwy
Pahoa, HI

to:

P.O. Box 2122
Pahoa, HI 96778

13. The January 8, 2004 Notice of Change of Address was not filed as a pleading and was not docketed by the Third Circuit Court, State of Hawai'i documents clerks.

14. On January 12, 2004, an Amended Order Setting Jury-Waived Trial Date and Pre-Trial Deadlines was filed. The order set the trial for February 12, 2004. A copy of the order was mailed to Defendant Lee at:

13-3775 Kalapana Highway
Pahoa, Hawaii 96778

15. Defendant Lee purports to have had a conference on February 9, 2004, "with the Court" advising the Court and Plaintiff that he required medical treatment out of state. There is no record of such a conference.

16. On February 12, 2004, the trial commenced. Plaintiff appeared at the trial. Neither Defendant Lee nor an attorney representing him appeared.

17. On March 9, 2004, a Notice of Hearing Regarding Whether or Not the Court Should *Sua Sponte* Grant Summary Judgment in Favor of Defendant Cecil Loran Lee and Against Plaintiff Philip B. Maise (the "Notice of Hearing Regarding Possible Summary Judgment") was filed. The hearing on the Notice of Hearing Regarding Possible Summary Judgment was scheduled for April 1, 2004. A copy of the Notice of Hearing Regarding Possible Summary

Judgment was mailed to Defendant Lee at:

13-3775 Kalapana Highway
Pahoa, Hawaii 96778

The copy was not returned to the Court. Defendant Lee does not claim that he did not receive it.

18. Defendant Lee represents that pursuant to a letter dated March 31, 2004 (the "March 31, 2004 Notice of Change of Address"), he notified the Clerk of the Circuit Court of a change of address from:

P.O. Box 2122
Pahoa, Hi 96778

to:

P.O. Box 2661
Florence, AZ 85232

The March 31, 2004 Notice of Change of Address was not received by the Third Circuit Court.

19. On April 1, 2004, Plaintiff appeared at the hearing on the Notice of Hearing Regarding Possible Summary Judgment. Neither Defendant Lee nor an attorney representing him appeared.

20. On April 7, 2004, the Court entered an Order Declining to Sua Sponte Grant Summary Judgment in Favor of Defendant Loran Lee and Against Plaintiff Philip B. Maise and Requiring Plaintiff to Bring a Motion to Add Didier Flament as a Party. The order further gave notice of a status conference scheduled for April 22, 2004 to set the case for trial. A copy of the order was mailed to Defendant Lee at:

13-3775 Kalapana Hwy.
Pahoa, Hawaii 96778

The copy was not returned to the Court. Defendant Lee does not claim that he did not receive

the copy of the order.

21. Correspondence mailed to Defendant Lee on April 12, 2004, in Pahoa, Hawaii at:
P.O. Box 2122
Pahoa, Hawaii

would have been sent to:

22940 E Galveston St
Mesa, AZ 85212-7002

which Defendant Lee represents is his sister's address.

22. On April 22, 2004, the trial setting conference was held. Plaintiff appeared. Neither Defendant Lee nor an attorney representing him appeared. Further proceedings in the trial was scheduled for September 27, 2004.

23. On April 26, 2004, an Amended Order Setting Jury Trial Date and Pre-Trial Deadlines was filed. The order set the matter for further trial scheduled for September 27, 2004. A copy of the order was mailed to Defendant Lee at:

13-3775 Kalapana Hwy.
Pahoa, Hawaii 96778

The copy of the order mailed to Defendant Lee was not returned to the Court. Defendant Lee does not claim that he did not receive it. Defendant Lee received a copy of the order.

24. On June 7, 2004, an Amended Order Setting Jury-Waived Trial Date and Pre-Trial Deadlines was entered. The order maintained the September 27, 2004 date for the further trial. A copy of the order was mailed to Defendant Lee at:

13-3775 Kalapana Highway
Pahoa, Hawaii 96778

It was returned to the Court.

25. On August 6, 2004, an Order Setting Settlement Conference was entered. Under the order, the parties were ordered to appear for a settlement conference on August 25, 2004. A copy of the order was mailed to Defendant Lee at:

13-3775 Kalapana Highway
Pahoa, Hawaii 96778

It was returned to the Court.

26. On August 25, 2004, Defendant Lee did not appear for the settlement conference scheduled for that date. Plaintiff appeared for the settlement conference.

27. A letter dated September 13, 2004, was sent by Defendant Lee to the Court. (Exhibit "K", attached to the Declaration of Cecil Loran Lee, attached to Defendant Cecil Lee's Motion to Set Aside Default Judgment, filed on December 10, 2004 ("Exhibit 'K'")). This letter states:

As you will note in the attached note from my doctors, due to recent liver transplant rejection episodes, I have been advised that I need to remain near the transplant center for possible emergency medical attention. This means that I must remain here on the mainland for the foreseeable future. My doctors also advise me to avoid stress and anxiety "the two most deadly killers of immunosuppressed transplant recipients."

I respectfully request that I be excused from any and all court proceedings in CIVIL NO. 01-1-444 (MAISE vs LEE) for the above stated medical reasons, and that the case be dismissed as I am now living in Arizona, am medically disabled, and unable to travel to Hawaii for the above stated reasons.

28. Attached to Exhibit "K" was a note purportedly written by someone at Sonoran Medical Practice. The note stated:

Mr. Lee should be excused from _____ duty because of his medical condition.

The word in the blank appears to read "jury", but has extraneous letters. It is probable that the

word was altered in order that it be read as "court".

29. The Court was provided by Defendant Lee medical records purportedly from Sonoran Family Practice. The Court receives these records as Court's Exhibit A.

30. In Court's Exhibit A is an entry dated September 2, 2004. The entry refers to "Loran Lee" and indicates a history which reads as follows:

States doing well, voices no problem.

Contained on the page is a handwritten entry which reads as follows:

9/17/**[illegible] excuse For Jury Duty given.

31. Contrary to Defendant Lee's assertion that someone from Sonoran Family Practice recommended that he be excused from "court" duty, the recommendation was for an excuse from "jury" duty.

32. Presumably Defendant Lee moved to Arizona in early 2004. It is not probable that Defendant Lee was summoned for jury duty in Arizona in or about September 2004.

33. The note attached to Exhibit "K" was altered by Defendant Lee in order to justify his nonappearance in court for proceedings in this matter.

34. In Court's Exhibit A is an entry dated September 21, 2004 relating to "Loran Lee". The entry states:

Pt states fell off ladder 1 week ago, c/o bilateral shoulder pain, neck and bilateral clavicle pain. Taking OTC meds without relief. Reviewed GI consult with pt.

35. In mid-September, 2004, Defendant Lee was in sufficiently good physical condition to use a ladder.

36. The report that Defendant Lee fell off a ladder and suffered alleged physical injury is

circumstantial evidence that the excuse from jury duty reflected in the note to Exhibit "K" was for the alleged physical injury from the fall from the ladder and not Defendant Lee's liver transplant condition.

37. The Court receives into evidence the Deposition of Veronica Green, Custodian of Records for the Offices of Anthony M. Dominic, Sr., D.O. Apache Junction, Arizona, as Court's Exhibit B.

38. Based upon a review of Court's Exhibit A and Exhibit B, it does not appear that Defendant Lee was so impaired that he could not have made arrangements for an attorney to represent him in this matter during 2004.

39. On September 27, 2004, the matter was called for further trial. Plaintiff appeared. Neither Defendant Lee nor an attorney representing him appeared. Default was entered against Defendant Lee because of his failure to appear for the settlement conference and failure to appear for trial. Plaintiff testified in regard to his claimed damages.

40. Based upon the following: (a) the fact that a copy of the Amended Order Setting Jury Trial Date and Pre-Trial Deadlines, filed on April 26, 2004, was mailed to Defendant Lee and was not returned to the Court, (b) the fact that the Amended Order Setting Jury Trial Date and Pre-Trial Deadlines, filed on April 26, 2004, scheduled further trial for September 27, 2004, and (c) the fact that Defendant Lee attempted to *ex parte* dismiss his case pursuant to a letter dated September 13, 2004, the Court finds that Defendant Lee knew about the September 27, 2004 trial date and intentionally failed to appear in Court on that date.

41. On September 30, 2004, a Judgment was entered in favor of Plaintiff and against Defendant in the amount of \$173,437.77.

42. On September 30, 2004, a Notice of Entry of Judgment was filed.

43. The Court receives into evidence as Court's Exhibit C a copy of a letter dated October 20, 2004, purportedly written by John McVicar, M.D., from the University of California, Davis Transplant Center and accompanying envelope. The letter reads as follows:

This is to inform the Hawaii Circuit Court that Cecil Loran has been a patient at the UC Davis Transplant Center, as well as Good Samaitan [sic. "Samaritan"] Hospital, Phoenix Arizona in recent months, resulting in hospitalization [sic. "hospitalization"] during the months of September and October, 2004 due to liver rejections [sic. "rejection"] episodes, viral infections, and other health issues. Due to his weakened and severely compromised immune system, Mr. Lee has been advised to avoid public contact as much as possible.

The letter is written on letterhead which has a return address of Sacramento, California.

44. Defendant Lee has not provided authentic medical records indicating that he was hospitalized in September and October, 2004.

45. The envelope which is part of Court's Exhibit C contains a return address which is contained on a separate piece of paper which is affixed to the envelope. The return address reads as follows:

UC Davis Transplant Center
(916) 634-2111 or (800) 821-9912
FAX (916) 4456-2407

The envelope has the United States Post Office marking of San Diego, California.

46. The letter dated November 1, 2001, purportedly prepared by John McIvar, M.D., referred to in paragraph 5.b. above and the letter purportedly prepared by John McIvar, M.D. reflected in Court's Exhibit C were not prepared by John McIvar, M.D., nor were they prepared at his direction.

47. December 10, 2004, Defendant Cecil Loran Lee's Motion to Set Aside Default

Judgment was filed.

48. The Court finds by a preponderance of the evidence that, although Defendant Lee may have suffered from adverse medical conditions, Defendant Lee has consciously engaged in conduct to use his medical condition to escape the consequences of the civil action against him in this matter and for that purpose has fabricated evidence, or has caused evidence to be fabricated, to include: (a) the note attached to Exhibit "K", (b) the letter dated November, 2001 purportedly written by John McIvar, M.D. referred to in paragraph 5.b. above, and (c) the letter reflected in Court's Exhibit C.

II. Conclusions of Law.

1. In a situation where a party, after being given notice of a trial date, fails to appear for trial, it is proper to enter default against the party. *Brock v. Unique Racquetball and Health Clubs, Inc.*, 786 P.2d 61 (2nd Cir. 1986); *Ringold Corp. v. Worrall*, 880 P.2d 1138 (9th Cir. 1989).

2. Defendant Lee's failure to appear at trial on September 27, 2004 was not due to excusable neglect.

III. Order.

Based upon the foregoing, it is HEREBY ORDERED that the Defendant Cecil Loran Lee's Motion to Set Aside Default Judgment, filed on December 10, 2004, is DENIED.

Dated: Hilo, Hawaii, APR 27 2005.


JUDGE OF THE ABOVE ENTITLED COURT
GREG K. NAKAMURA



Intervenor's Memorandum in Opposition to Plaintiff's Motion to Alter or Ammend [sic] Final Judgment filed February 23, 2009, Notice of Withdrawal of Intervenor, Declaration of Intervenor filed March 16, 2009; and Defendants and Counterclaimants' Memorandum in Opposition to "Plaintiff's Motion to Alter or Amend the Amended Final Judgment," Received on March 5, 2009 filed March 19, 2009; as well as the record and file of the case,

IT IS HEREBY ORDERED, Plaintiff's Motion to Alter or Amend the Amended Final Judgment filed February 23, 2009, filed on March 5, 2009 is DENIED.

DATED: Kealahou, Hawaii

4/24/09



JUDGE OF THE ABOVE-ENTITLED COURT

ORIGINAL

cc:

Paul J. Sulla, Jr., Esq.
John S. Carroll, Esq.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

CECIL LORAN LEE,

Plaintiff and Counterclaim-Defendant,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendant and Counterclaimants.

Civil No. 05-1-196 (a)

ORDER DENYING PLAINTIFF'S
RULE 60(a) MOTION FOR
CORRECTION OF JUDGMENT

JUDGE RONALD IBARRA

Hearing Date: June 12, 2009

ORDER DENYING PLAINTIFF'S RULE 60(a) MOTION FOR CORRECTION OF
JUDGMENT

This matter, having come before the Honorable Ronald Ibarra pursuant to the hearing on Plaintiff's Rule 60(a) Motion for Correction of Judgment, filed May 21, 2009 and heard on June 12, 2009 is hereby DENIED. Paul J. Sulla, Jr., appeared on behalf of Plaintiff. The Court reviewed the Plaintiff's Rule 60(a) Motion for Correction of Judgment; Supporting Memorandum' Exhibits A-F; Notice of Hearing file May 21, 2009, and the record and file of the case.

Exhibit 13.


Exhibits pg. 49

FILED

2009 JUN 15 AM 2:09
MOCK CHEW, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

IT IS HEREBY ORDERED, that the Plaintiff's Rule 60(a) Motion for Correction of Judgment is DENIED. Plaintiff filed Notice of Appeal on May 21, 2009 and therefore the Court no longer has jurisdiction.

DATED: Kealahou, Hawai'i; June 12, 2009



The Honorable Ronald Ibarra
JUDGE OF THE ABOVE-TITLED COURT

FILED

cc: John S. Carroll, Esq.
Paul J. Sulla, Jr., Esq.

RECEIVED

AUG 03 2009

2009 JUL 29 PM 3:32

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

C. GANDALIRA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

CECIL LORAN LEE,

Plaintiff and Counterclaim-Defendant,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH HOROWITZ
AND THE ROYAL BLOODLINE OF DAVID,
JOHN DOES 1-10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendant and Counterclaimants.

Civil No. 05-1-196

ORDER GRANTING PLAINTIFF'S
MOTION TO MODIFY ORDER
HAW.R.CIV.P. 60(b)

JUDGE RONALD IBARRA

Hearing Date: July 16, 2009

ORDER GRANTING PLAINTIFF'S MOTION TO MODIFY ORDER HAW.R.CIV.P. 60(b)

This matter came before the Honorable Ronald Ibarra pursuant to the hearing on Plaintiff's Motion to Modify Order Haw.R.Civ.P. 60(b), filed June 19, 2009 and was heard on July 16, 2009. Paul J. Sulla, Jr., appeared on behalf of Plaintiff. No other appearances were made.

The Court reviewed the Plaintiff's Motion to Modify Order Haw.R.Civ.P. 60(b), Memorandum of Law in Support of Motion, filed June 19, 2009; and Defendants and Counterclaimants' Memorandum in Opposition to "motion to Modify Order Haw.R.Civ.P. 60(b)" Filed on June 19, 2009, filed July 16, 2009, and the record and file of the case.

Exhibit 14.

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

Exhibits pg. 51

Clerk, Third Circuit Court, State of Hawaii

IT IS HEREBY ORDERED, that the Plaintiff's Motion to Modify Order Haw.R.Civ.P. 60(b), filed June 19, 2009, is GRANTED. The court acknowledges the trial court retains jurisdiction to amend its own judgments under HRCP Rule 60(a) even after a notice of appeal is filed, until an appeal is docketed. The Order of June 15, 2009 is hereby modified and DENIES Plaintiff's Rule 60(a) Motion for Correction of Judgment filed May 21, 2009 because Plaintiff sought a more substantive change than correction of a clerical error under HRCP R. 60(a).

DATED: Kealahou, Hawai'i; July 27, 2009



The Honorable Ronald Ibarra
JUDGE OF THE ABOVE-TITLED COURT

FILED

Paul J. Sulla, Jr. (SBN 5398)
2061 Kalaniana'ole Ave.
P. O. Box 5258
Hilo, HI 96720
808-933-3600 telephone
808-933-3601 fax

2009 AUG 31 PM 12:49

L. KITAHARA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

Attorney for Plaintiff,
CECIL LORAN LEE

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

CECIL LORAN LEE,

Plaintiff and
Counterclaim-
defendant

vs.

LEONARD GEORGE HOROWITZ, et
al.

Defendant and
Counterclaimants.

Civil No.05-1-196
(Foreclosure)

ORDER FOR SUBSTITUTION OF
PLAINTIFF

ORDER FOR SUBSTITUTION OF PLAINTIFF

This matter came before the Honorable Judge Ronald.
After review of the pleadings records and documents in the
file the court makes the following order:

IT IS HEREBY ORDERED that The Office of Overseer, a
Corporate Sole and its Successor Over and for the Popular
Assembly of Revitalize, a Gospel of Believers, with Jason
Heston as successor Overseer, is substituted as the party

Exhibit 15.

1

Exhibits pg. 53

plaintiff in the above-captioned matter in place of Cecil
Loran Lee, individually, deceased.

AUG 24 2009

Dated: Kealahakua, Hawaii this ____ day of ____, 2009.

Ronald Barra (seal)

JUDGE OF THE ABOVE-ENTITLED COURT

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

JASON HESTER, OVERSEER THE
OFFICE OF OFFICE OF
OVERSEER, A CORPORATE SOLE
AND HIS SUCCESSORS,
OVER/FOR THE POPULAR
ASSEMBLY OF REVITALIZE, A
GOSPEL OF BELIEVERS,

Plaintiff and
Counterclaim-
defendant

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH
HOROWITZ, AND THE ROYAL
BLOODLINE OF DAVID, et al.

Defendants and
Counterclaimants.

Civil No.05-1-196
(Foreclosure)

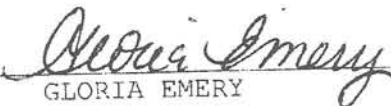
CERTIFICATE OF SERVICE

Judge: RONALD IBARRA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the
**OBJECTION TO (PROPOSED) FINAL JUDGMENT AND AMENDED FINAL
JUDGMENT; EXHIBITS A-F** has been served upon the following
by U. S. Postal Mail, postage prepaid, on the 20th of
November, 2009:

John Carroll
345 Queen Street
Honolulu, HI 96813


GLORIA EMERY

FILED

cc: Paul Sulla, Esq.
Margaret Wille, Esq.
Steven D. Whittaker, Esq.

2015 AUG -6 AM 8:14

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

HENRIETTA CHONG, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

JASON HESTER, OVERSEER THE
OFFICE OF OVERSEER, A
CORPORATE SOLE AND HIS
SUCCESSORS, OVER/FOR THE
POPULAR ASSEMBLY OF REVITALIZE,
A GOSPEL OF BELIEVERS,

Plaintiff,

vs.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH
HOROWITZ, AND THE ROYAL
BLOODLINE OF DAVID, JOHN DOES 1-
10, JANE DOES 1-10, DOE
PARTNERSHIPS 1-10, DOE ENTITIES,
DOE GOVERNMENTAL UNITS,

Defendants,

and

PHILIP MAISE

Intervenor.

LEONARD GEORGE HOROWITZ,
JACQUELINE LINDENBACH
HOROWITZ, AND THE ROYAL
BLOODLINE OF DAVID,

Counterclaimants,

Civil No. 05-1-196

ORDER DENYING
DEFENDANTS/COUNTERCLAIMANTS
MOTION FOR RECONSIDERATION
OR IN THE ALTERNATIVE FOR NEW
TRIAL [HRCP RULES 59]

NON-HEARING MOTION

JUDGE RONALD IBARRA

Exhibit 16.

1

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

Clerk, Third Circuit Court of Hawaii

Exhibits pg. 56

vs.)
)
 JASON HESTER, OVERSEER THE)
 OFFICE OF OVERSEER, A)
 CORPORATE SOLE AND HIS)
 SUCCESSORS, OVER/FOR THE)
 POPULAR ASSEMBLY OF REVITALIZE,)
 A GOSPEL OF BELIEVERS,)
)
 Counterclaim Defendant.)

ORDER DENYING DEFENDANTS/COUNTERCLAIMANTS MOTION FOR RECONSIDERATION OR IN THE ALTERNATIVE FOR NEW TRIAL [HRCP RULES 59]

This matter comes before the above-referenced Court pursuant to Defendants/Counterclaimants' Non-Hearing Motion For Reconsideration or In The Alternative For New Trial [HRCP Rules 59], filed June 29, 2015. The Court also received Plaintiff's Opposition to Defendant Leonard G. Horowitz's "Motion for Reconsideration or in the Alternative For New Trial" Filed, July 9, 2015 and Defendants' Reply to Plaintiff's Opposition to Defendants' Motion for Reconsideration or In The Alternative For New Trial, filed July 15, 2015.

This Court Having fully reviewed the above-referenced pleadings, the record and files herein;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Defendants/Counterclaimants' [Leonard G. Horowitz and the Royal Bloodline of David] Motion For Reconsideration or In The Alternative For New Trial [HRCP Rules 59], Filed June 29, 2015 is **DENIED**.

Fed. R. Civ. P. 59(e) "permit[s] a litigant to file a motion to alter or amend a judgment. There are three possible grounds for reconsideration: (1) an intervening

change in controlling law; (2) the availability of new evidence not previously available; or (3) the need to correct a clear error of law or prevent manifest injustice. The decision to alter or amend the judgment is committed to the sound discretion of the trial court. In addition, there is a compelling interest in the finality of judgments which should not be lightly disregarded." *Hawaii-Pacific Wholesalers v. Lighter*, 1994 U.S. Dist. LEXIS 19061, *1 (D. Haw. Dec. 20, 1994)

The court finds defendant failed to present to this court an intervening change in controlling law, new evidence not previously available, any need to correct a clear error of law, nor any manifest injustice resulting from the June 19, 2015 Fourth Amended Final Judgment.

Pursuant to Rule 59 the test for, "A motion for a new trial, on the ground that the verdict was against the evidence, will not be granted if there is sufficient evidence in support of the verdict to make it unnecessary to account for the verdict on the ground of prejudice or mistake." *Lorsen v. Waterhouse*, 7 Haw. 397, 1888 Haw. (Decided under prior law).

The Court finds there is sufficient evidence in support of the verdict to make it unnecessary to account for the verdict on the ground of prejudice or mistake.

DATED: Kealahou, Hawai'i; AUG -3 2015

/s/ Ronald Ibarra (seal)
The Honorable Ronald Ibarra

Margaret (Dunham) Wille #8522

Attorney at Law

65-1316 Lihipali Road

Kamuela, Hawaii 96743

Tel: 808-854-6931

margaretwille@mac.com

Attorney for:

Defendant/Counterclaimants-Appellants

IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII
ICA No. CAAP-15-0000658

JASON HESTER
Plaintiffs/Counterclaim
Defendants-Appellees

vs.

LEONARD G. HOROWITZ;
AND THE ROYAL
BLOODLINE OF DAVID
Defendants/Counterclaim
Plaintiffs -Appellants

) Civ. No. 05-1-0196
) THIRD CIRCUIT COURT
) Appeal of Fourth Amended Final
) Judgment
)
) **DECLARATION OF MARGARET**
) **WILLE IN SUPPORT OF APPELLANT'S**
) **OPENING BRIEF**
)
)

**DECLARATION OF MARGARET WILLE IN SUPPORT
OF APPELLANT'S OPENING BRIEF**

I, MARGARET (DUNHAM) WILLE, under pain of perjury of law, do hereby
state and declare as follows:

- 1) I am an individual over the age of twenty-one (21) years, a resident of the State and
County of Hawai'i.
- 2) I am licensed to practice law before the Courts of Hawai'i.

- 3) As of June 29, 2015, I have been the attorney for Defendant-Appellants LEONARD G. HOROWITZ and THE ROYAL BLOODLINE OF DAVID and am representing these Defendants in the appeal of the Circuit Court's Fourth Amended Final Judgment dated June 19, 2015.
- 4) I declare that Exhibits "1" is a true and correct copy of the Findings of Fact, Conclusions of Law Denying Decree of Foreclosure Against all Defendants filed on April 2, 2008, by the Court in Civ. No. 05-1-0196.
- 5) I declare that Exhibits "2" is a true and correct copy of the Final Judgment filed on July 21, 2008, by the Court in Civ. No. 05-1-0196.
- 6) I declare that Exhibit "3" is a true and correct copy of the Amended Final Judgment, filed on February 23, 2009, by the Court in Civ. No. 05-1-0196.
- 7) I declare that Exhibit "4" is a true and correct copy of the Second Amended Final Judgment, filed December 11, 2009, by the Court in Civ. No. 05-1-0196.
- 8) I declare that Exhibit "5" is a true and correct copy of the Third Amended Final Judgment, filed September 12, 2013, by the Court in Civ. No. 05-1-0196.
- 9) I declare that Exhibit "6" is a true and correct copy of the Fourth Amended Final Judgment, filed June 19, 2015, by the Court in Civ. No. 05-1-0196.
- 10) I declare that Exhibit "7" is a true and correct copy of the Special Verdict form dated Feb. 21, 2008, filed by the Jury following trial in Civ. No. 05-1-0196.
- 11) I declare that Exhibit "8" is a true and correct copy of the Court Order Denying Plaintiff's Motion For Judgment As A Matter Of Law Or Alternatively New Trial On Issue Of Defendant's July 6th, 2006 Counterclaim For Fraud And Misrepresentation" filed June 13, 2008 in Civ. No. 05-1-0196 (mislabeled as "Order Denying Plaintiff's Motion To Alter Or Alternatively New Trial On Issue Of Defendants' July 6, 2006 Counterclaim For Fraud And Misrepresentation")


- 12) I declare that Exhibit "9" is a true and correct copy of the Court Order Granting Plaintiff's Motion For Judgment As A Matter Of Law filed October 15, 2008 in Civ. No. 05-1-0196.
- 13) I declare that Exhibit "10" is a true and correct copy of the Court Order Denying Defendants And Counterclaimant's Motion For Attorney's Fees And Costs filed October 15, 2008 in Civ. No. 05-1-0196.
- 14) I declare that Exhibit "11" is a true and correct copy of the Court Order Denying Cecil Loran Lee's Motion to Set Aside Default Judgment Filed On December 10, 2004, that resulted in the two Garnishment Orders filed by Intervenor Maise, pursuant to Civ. No. 01-01-0444, and Civ. No. 05-1-0235.
- 15) I declare that Exhibit "12" is a true and correct copy of the Court Order Denying Plaintiff's Motion to Alter or Amend Final Judgment filed April 27, 2009 in Civ. No. 05-1-0196.
- 17) I declare that Exhibit "13" is a true and correct copy of the Court Order Denying Plaintiff's Motion for Correction of Judgment" filed June 15, 2009 in Civ. No. 05-1-0196.
- 18) I declare that Exhibit "14" is a true and correct copy of the Court Order Granting Plaintiff's Motion to Modify Order" filed July 29, 2009 in Civ. No. 05-1-0196.
- 19) I declare that Exhibit "15" is a true and correct copy of the Court Order For Substitution of Plaintiff filed August 31, 2009 in Civ. No. 05-1-0196.
- 20) I declare that Exhibit "16" is a true and correct copy of the Court Order Denying Defendants/Counterclaimants Motion for Reconsideration or in the Alternative For New Trial, filed August 6, 2015 in Civ. No. 05-1-0196.

21) All of the facts stated in the Opening Brief are true to the best of my knowledge and belief.

FURTHER DECLARANT SAYETH NAUGHT

This Declaration is based upon my personal knowledge and I am competent to testify as to the truth of the statements contained herein.

Dated: Waimea Hawaii: December 9, 2015

Signed: 
MARGARET (DUNHAM) WILLE
Attorney for Defendant-Appellants
LEONARD G. HOROWITZ and
THE ROYAL BLOODLINE OF DAVID

Hester v. Horowitz; CAAP-15-0000658; Declaration of Attorney Margaret Wille in support of Appellant's Opening Brief.

Margaret (Dunham) Wille #8522

Attorney at Law

65-1316 Lihipali Road

Kamuela, Hawaii 96743

Tel: 808-854-6931

margaretwille@mac.com

Attorney for:

Defendants/Counterclaimants

Leonard G. Horowitz and

the Royal Bloodline of David

IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII
ICA No. CAAP-15-0000658

JASON HESTER, OVERSEER THE
OFFICE OF OVERSEER, A
CORPORATE SOLE AND HIS
SUCCESSORS, OVER/FOR THE
POPULAR ASSEMBLY OF
REVITALIZE, A GOSPEL OF
BELIEVERS.

Plaintiff-Appellee

v.

LEONARD G. HOROWITZ, ET. AL.

Defendants-Counterclaimants -

Appellants

and

PHILIP MAISE,

Intervenor-Appellee

) TRIAL CIV. NO. 05-1-0196

) (foreclosure)

)

)

) **CERTIFICATE OF SERVICE**

) for

) **OPENING BRIEF**

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CERTIFICATE OF SERVICE