

Date Signed:  
April 15, 2016



SO ORDERED.

Robert J. Faris  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII**

Debtor(s): **Leonard George Horowitz**

Chapter 13  Case No. **16-00239**

Related Docket No.: 16-90015

☐ Unopposed - No Hearing ☒ Hearing held: April 12, 2016

Presiding Judge: Robert J. Faris

**ORDER GRANTING RELIEF FROM STAY**

☐ Amended Order

☒ Automatic Stay

☐ Codebtor Stay

☐ Automatic and Codebtor Stays

Moving Party:

Jason Hester

Subject property or other matter (address or legal description of property; title of action, etc.):

13-775 Pahoa Kalapana Road, Pahoa, Hawaii 96778-7924, TMK Nos. (3) 1-3-001:049 & 043

Upon consideration of the above-identified motion and supporting documents, due notice having been given, and there being no timely opposition filed or for the reasons stated on the record at the hearing:

1. The motion is GRANTED;

2. The stay under 11 U.S.C. § 362(a) and/or § 1201(a) or § 1301(a) is terminated or modified and the moving party, its successors, transferees, and assigns, may exercise any rights and remedies under applicable nonbankruptcy law with respect to the subject property or other matter described above;

**Exhibit 9**

3. No deficiency judgment or other money judgment may be entered against the debtor unless and until the bankruptcy court enters an order (i) denying the debtor a discharge, (ii) determining that the debt owed to the moving party is not dischargeable, (iii) dismissing the case prior to the entry of a discharge, or (iv) expressly authorizing the entry of such a judgment;

4. If the subject property is sold and the proceeds exceed the amount of the secured claim(s), the moving party must turn over the surplus proceeds to the trustee;

5. The secured portion of any proof of claim filed by the moving party with respect to the subject property is deemed withdrawn and the moving party may seek collection of any unsecured deficiency amount only by filing a proof of claim under 11 U.S.C. § 501, or by amending a previously filed proof of claim;

6. This order will remain effective despite the conversion of the case to one under another chapter;

7. This order is limited to granting relief from the automatic stay and/or the codebtor stay under the Bankruptcy Code and does not determine any issues concerning any rights, claims, remedies, or defenses of the moving party, the debtor, or any other party; and

8. In a chapter 13 case, as soon as practicable after the trustee receives notice of this order, the trustee shall cease making distributions on all claims secured by the property described above except for funds then being held by trustee for distribution.

**ADDITIONAL PROVISIONS - APPLICABLE ONLY IF CHECKED:**

As explicitly requested in the motion, and based on an adequate factual and legal basis for extraordinary relief,

☐ The 14-day stay provided under Fed. R. Bankr. P. 4001(a)(3) does not apply.

☐ This order provides "in rem" relief, i.e. this order is binding with respect to the subject property for 240 days after the date of entry of this order in any other bankruptcy case that has been or may be filed.

☐ This relief applies retroactively to: \_\_\_\_\_

☐ This relief will become effective on: \_\_\_\_\_

☐ A deficiency judgment may be entered against the chapter 13 codebtor without further order of the court.

**END OF ORDER**

This order submitted by:

Paul J. Sulla, Jr. (SBN #5398)  
Attorney At Law  
P.O. Box 5258  
Hilo, HI 96720  
ph. (808) 933-3600  
e-mail: psulla@aloha.net  
Attorney for Jason Hester

Stephen D. Whittaker, AAL (SBN #2191)  
73-1459 Kaloko Drive  
Kailua Kona, HI 96740  
Phone: 808-960-4536

Paul J. Sulla, Jr. (SBN #5398)  
P.O. Box 5258  
Hilo, HI 96720-8258  
Phone: (808) 933-3600

Attorneys for Plaintiff  
Jason Hester

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF HAWAII

IN RE:

LEONARD G. HOROWITZ  
Debtor.

Case No.: 16-00239  
CHAPTER 13

**DECLARATION OF COUNSEL IN  
SUPPORT OF MOTION FOR  
RELIEF FROM AUTOMATIC  
STAY; EXHIBITS "A" – "C"**

**DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR RELIEF FROM  
AUTOMATIC STAY**

I, **Paul J. Sulla, Jr.** depose the state as follows:

1. I am the attorney for Movant in the above matter.
2. I make this Declaration based on my personal knowledge and am competent to testify about the matters contained in this Declaration.
3. Movant seeks an order terminating the automatic stay and allowing Movant to proceed with and complete any and all contractual and statutory remedies, including trespass, unlawful detainer and forcible eviction/ejectment, incident to his interest held in real property

**Exhibit 10**



commonly described as 13-1775 Pahoa Kalapana Road, Pahoa, Hawaii 96778-7924, TMK Nos. (3) 1-3-001:049 & 043 ("Property").

4. Attached hereto as "Exhibit A" is the Quitclaim Deed held by Movant for the Subject Property recorded as Document No. 2011-093772 in the State of Hawaii Bureau of Conveyances on June 14, 2011.

5. Movant has moved that the provision of F.R.B.P. 4001(a)(3) be waived to avoid further deterioration of Movant's position and the condition of the Subject Property. The Debtor pays no rent and has not paid any use and occupancy fees or other expenses of the Property during the six (6) years he has been a hold over tenant at sufferance despite the fact that the property is advertised extensively as a rental property by the Debtor.

6. The real property taxes are presently delinquent and currently subject to a tax lien and sale by the County of Hawaii if not paid by June 30, 2016.

7. Further, prior to debtor's petition being filed Movant had already retained a professional team including law enforcement, movers, and a process server to assist with enforcement of the Writ which required extensive coordination of schedules with approximately 15 people, all of which have already agreed to a date for enforcement of the writ of ejectment and Movant should not be required to cancel and reschedule at a much later date at his expense and great personal hardship.

8. Debtor continually claims to have an interest in the Property despite repeated Findings, Orders and Judgments in prior State actions that he has none.

9. Debtor holds no record title interest, no lease, or other rental agreement. He pays no rent and *never has paid or offered to pay rent to the record title holder or tax to the County of Hawaii* since the foreclosure sale date in April 2010, over *six years ago*.



10. Debtor does not actually reside on the Property. According to the address provided by the Debtor in his initial filing before this Court and his many statements in prior State and Federal courts in related matters he actually resides in Honolulu.

11. Further the property is extensively advertised as a rental property under the name "Steam Vent Inn". Attached hereto as **Exhibit "B"** is a true and correct copy of internet advertising of the subject Property as a vacation rental presently on numerous internet website including [www.airbnb.com](http://www.airbnb.com), all accessed on March 17, 2016.

12. Debtor may claim a possessory interest in the Property by virtue of his affiliation with the prior owner, a non-profit Washington State corporation named The Royal Bloodline of David ("RBOD") but any legal, equitable or possessory interest that RBOD held was extinguished by virtue of a foreclosure sale held on April 20, 2010 and the RBOD's dissolution on October 31, 2012 in the State of Washington.<sup>1</sup>

13. Extinguishment of the interest is further evidenced by the Final Judgment in the recent Quiet Title action. Attached hereto as **Exhibit "C"** is a true and correct copy of the Final Judgment quieting title to the Property and granting possession in favor of Movant on December 30, 2015 in *Hester v. Horowitz et. al.*, Civil No. 14-1-0304.

14. Movant has already obtained a Writ of Ejectment on March 1, 2016 regarding the property; entered in the Quiet Title action in the Circuit Court of the Third Circuit, State of Hawaii, in *Hester v. Horowitz et. al.*, Civil No. 14-1-0304, pre-petition to the debtor's filing in this matter. A true and correct copy of the Writ is attached hereto as **Exhibit "D"**.

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<sup>1</sup> WA Secretary of State Registration Detail for the Royal Bloodline of David shows that this Corporation Sole was declared inactive on September 17, 2012 and expired on October 31, 2012.

15. Since Debtor never held record title or equitable interest in the Property, the actual market value of the real property at issue herein is not relevant. The only property value at issue herein is the value of any alleged possessory interest that Debtor may claim, which is nominal due to the fact that Debtor has already been declared by the Circuit Court for the State of Hawaii in its Final Judgment (**Exhibit C**) to be a Tenant at Sufferance. His current possessory interest has no commercial value and cannot be used by him in any reorganization of his affairs.

16. Debtor is preventing Movant from protecting the property from loss and preserving the asset.

17. Debtor has already requested a stay of the ejectment proceedings, all of which have so far been denied.<sup>2</sup> This bankruptcy filing is yet another attempt by Debtor to delay the inevitable. It is in fact his 10<sup>th</sup> request for stay.

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<sup>2</sup> Ho'ohiki docket entries in *Hester v. Horowitz et. al.*, Civil No. 14-1-0304 show the following attempts made by the Debtor, Leonard Horowitz to try and delay his eviction:

- Entry #69: On April 13, 2015 there was something filed by Debtor that included "Appellants' Emergency **Motion for Emergency Stay** Pending Hearing..." [Denied],
- Entry #71: On April 15, 2015 there was something filed by Debtor labelled "Emergency **Motion to Stay** April 17, 2015 Hearing on Motion for Summary Judgment pending Appeal..." [Denied],
- Entry #72: On April 17, 2015 there was something filed by Debtor labelled "Motion to Strike Pretrial Statement and **Dismiss Case** for being filed with "Unclean Hands" in Bad Faith..." [Denied],
- Entry #107: On June 10, 2015 there was something filed by Debtor labelled "Emergency **Motion for** Injunctive Relief to **Stay** Process, Judgments and Orders..." [Denied],
- Entry #134: On October 5, 2015 there was something filed by Debtor labelled "Defendants' **Motion for Stay** or for Dismissal Prior to Entry of Final Judgment" [Denied],

18. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Hilo, Hawaii this 17th day of March 2015.

/s/ Paul J. Sulla, Jr.

---

Paul J. Sulla, Jr. (SBN #5398)  
Attorney for Movant Jason Hester

- 
- Entry #143: On January 11, 2016 there was something filed by Debtor labelled "Resubmitted **Motion for Stay** Pending Finality in Related Action Cov. No. 05-1-196 [HRCF Rule 62(b)]" [Denied],
  - Entry #146: On January 11, 2016 there was something filed by Debtor labelled "Defendants' **Motion for Stay [HRCF 62(b)] Pending the Disposition of Defendants' Post Judgment Motions:** (1) Defendants' Motion for Stay or for Dismissal Pending Finality in the Prior Filed Related Action [HRCF 62(b)], and of 2) Defendants' Motion for Reconsideration or Alternatively for New Trial [HRCF 59(a)]" [Denied],
  - Entry #159: On March 3, 2016 there was something filed by Debtor labelled: "Defendants' **Motion For Stay** Pending Appeal [HRCF 62(D)] And For The Setting Of Supersedeas Bond Security During The Period Of The Appeal" [Pending. Hearing set for April 21, 2016].
  - Entry #164: On March 14, 2016 there was something filed by Debtor labelled "Defendant's Emergency **Motion For Stay** of Writ of Ejectment [HRCF 62(B)]" [Pending. Improperly designated as a "non-hearing" motion; no hearing date set.]



**Appendix I: Perjury of Paul J. Sulla, Jr. in March 18, 2016,  
Filing of “Declaration of Counsel in Support of Motion for Relief  
From Automatic Stay, Exhibits ‘A’ – ‘C’”  
As “True and Correct”**

<b>Page</b>	<b><u>STATEMENT</u></b>	<b><u>FACT</u></b>
1) 1 ¶ 3.	Movant’s “Interest held in real property”	A) Movant’s Interest in property is nill
2) 2 ¶ 4	“Exhibit ‘A’” (“true and correct”)	A) Known sham “Grantor” incorporated by Sulla’s forgery and alterations; B) Known false address of “Grantor” 811 Malama Street. C) Known shill “Grantee” HESTER D) Known concealed real party in interest.
3) 2 ¶ 5	“Debtor not paid expenses on property during the six (6) years . . .”	E) Debtor paid all expenses, and Movant paid no expenses whatsoever.
4) 2 ¶ 6	Property is “subject to a tax lien and sale . . . if not paid by June 30, 2016”	F) Misrepresentation. Property not subject to tax lien or sale by reason of a contract Debtor has with Tax Office since 4/18/13.
5) 2 ¶ 7	A team of 15 people had been scheduled to execute Writ of Ejectment “prior to debtor’s petition.”	G) Plaintiffs spoke with Sheriff on 3/14/16 and he knew nothing about the Writ at that time; nor was the scheduling of 15 third parties proper ejectment procedure.
6) 2 ¶ 8	“Debtor continually claims to have an interest in the Property despite repeated findings, Orders and Judgments in prior State actions that he has none. during the six (6) years . . .”	H) Blatant lie. Final Judgment in CV 05-1-0196 on March 4, 2016 says Debtor has equity interest, and Movant none.
7) 2 ¶ 9	“Debtor holds no record title interest . . . pays no . . . tax to the County. . .”	I) Debtor has paid monthly taxes to the County since 4/18/13, and holds the registered Warranty Deed.
8) 3 ¶ 10	“Debtor does not reside on the property.”	J) Debtor has resided on property since September, 2011.
9) 3 ¶ 12	“[P]ossessory interest . . . held was extinguished by . . . foreclosure sale . . .”	K) Foreclosure sale was known by counsel to be illegal and void.
10) 4 ¶ 15	“Debtor never record title or equitable or equitable interest in the property,	L) Counsel knew Debtor held record title, Doc. No. A-4570676, that is a Quitclaim Deed transfer of equitable interests from RBOD to H/K.

**Exhibit 11**

Exhibits page 8<sup>6</sup>



# Hawai'i State Judiciary Ho'ohiki

Hawai'i State Judiciary's Public Access to Court Information

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## Court Minutes Text

Case Title: THE ESTATE OF CECIL LORAN LEE

3LP09-1-000166

Div.: 3CK4 CV DATE: 12-11-2009

Time: 0107P

Priority: 0 Judge I.D.: JESTRANC

Video No.:

Audio No.:

Minutes:

BY SULA - STATEMENT REGARDING ASSETS KNOWN TO HIM THAT CECIL LEE DOESN'T OWN ANYMORE; DUE TO FORECLOSURE, NO JUDGMENT CAN BE ENFORCED AND MR. LEE IS CERTAINLY OUT OF IT.

\*\*BY COURT - INASMUCH AS NO PARTY APPEARED IN THIS CASE, COURT DENIES PETITION FOR SPECIAL ADMINISTRATOR AND COURT WILL ISSUE ORDER.

**Exhibit 12**

More Minutes  
Text

Next Court  
Date

Court Minutes  
List

Case Info.

*Leonard G. Horowitz*



13-3775 Kalapana Highway  
Pahoa, HI 96778  
USA  
Phone: 808-965-2112  
Email: len15@mac.com  
Website: DrLenHorowitz.com

April 5, 2016

ATTN: Shelly  
County of Hawaii  
Real Property Tax Office  
101 Pauahi Street, #4  
Hilo, HI 96720  
808-961-8201

**RE: Allegations of Pending Tax Sale of the Real  
Properties, TMK (3) 1-3-001:049 and 043.**

Dear Shelly:

We have been recently notified via two federal bankruptcy court filings verified under pains and penalties of perjury by Hilo attorney Paul J. Sulla, Jr. regarding these TMKs that "the real property taxes are presently delinquent and currently subject to a tax lien and sale by the County of Hawaii if not paid by June 30, 2016."

This statement was filed twice, in two separate Declarations submitted to the Court on March 18, 2015, and again March 29, 2015, in efforts to relieve an automatic stay, barring Sulla from executing our ejectment from the Property.

As you know, these TMKs have been engaged in eleven years of litigation advanced by Sulla and his associates, and his declaration to the Honorable Judge Robert J. Faris misrepresents: (1) a County of Hawaii tax lien on these properties; (2) a County of Hawaii intention to auction off the properties if the taxes due are not paid in full by June 30, 2016; and (3) purposely omits the fact that Sherri Kane and I have been making monthly tax payments of at last \$250 per month, or more to the best of our ability, pursuant to an agreement that you made with Sherri on April 8, 2013—an agreement well known to attorney Sulla.

Would you, therefore, kindly provide a written statement for submission to the Court that your office does not find Sulla's statements accurate.

Thank you very much for your support in defending our properties from theft.


Sincerely yours,

Leonard G. Horowitz

**Exhibit 13**



To: County of Hawaii  
101 Pauahi Street, Suite 4  
Hilo, Hawaii 96720-4224

  
ATTN: SHELLEY  
COUNTY OF HAWAII  
REAL PROPERTY TAX DIVISION  
AUPUNI CENTER  
101 PAUAHI ST., SUITE 4  
HILO, HI 96720-4224

961-8401

4/8/13

Dear Shelley,

Please send tax notices for TMK# 3-1-3-001-049 and TMK# 3-1-001-043 to the addresses and parties below.

Leonard Horowitz  
13-3775 Kalapana Hwy  
Pahoa, HI 96778

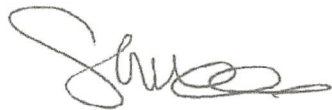
And

Sherri Kane  
Po Box 75104  
Honolulu, HI 96778

Mahalo!

Sherri Kane  
808 965 2112  
[editor@medicalveritas.org](mailto:editor@medicalveritas.org)

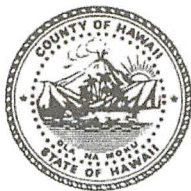
I agree to pay 250.00 per month beginning  
may 2013, and will pay more IF I can  
in a month.



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William P. Kenoi  
Mayor



Deanna S. Sako  
Finance Director

Lisa K. Miura  
Deputy Director

## County of Hawai'i

### DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi Street • Suite No. 4 • Hilo, Hawai'i 96720-4679 • Fax (808) 961-8415  
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282  
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740  
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880

April 5, 2016

Subject: Tax Map Key (3) 1-3-001-049-0000

To whom it may concern:

As of this date, Tax Map Key (3) 1-3-001-049-0000 is not scheduled for auction due to unpaid real property taxes in June or July 2016.

Thank you,

A handwritten signature in black ink, appearing to read "Shelley Ishimoto".

Shelley Ishimoto  
Tax Collection Assistant  
(808) 961-8401

*Hawai'i County is an Equal Opportunity Provider and Employer*

Exhibits page 85

**From:** bncedi@noticingcenter.com  
**Subject:** BNC E-mail # 1 to TP 56455 [p-92906205],  
"Chapter 13 Voluntary Petition"  
**Date:** March 9, 2016 9:02:47 PM HST  
**To:** editor@medicalveritas.org

1 Attachment, 43 KB

LEONARD GEORGE HOROWITZ  
P O BOX 75104  
HONOLULU HI 96836-0104

This E-mail contains 1 notice totaling 4 pages.

Your E-mails are serialized; this is number 1.

Please do not reply to this E-mail; it was generated automatically.

Case#, Court form code, Originating court, Title of document filed

16-00239, H4002, Honolulu, "Chapter 13 Voluntary Petition"

District: Hawaii

Exhibit 14

Exhibits page 86



Office: Honolulu  
Court: HI01  
Chapter: 13  
Judge: rjf  
Leonard George Horowitz  
P.O. Box 75104  
Honolulu, HI 96836-0104



[BNC00001.PDF \(43 KB\)](#)

Paul J. Sulla, Jr.  
P.O. Box 5258  
Hilo, HI 96720  
Tel. 808/933-3600

Pro Se and as Attorney for Appellee  
Paul J. Sulla, III

Electronically Filed  
Intermediate Court of Appeals  
CAAP-15-0000094  
11-MAR-2016  
05:25 PM

Appeal No. CAAP-15-0000094

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

PAUL J. SULLA, JR. and PAUL  
J. SULLA, III,

Plaintiffs and  
Appellees,

vs.

LEONARD GEORGE HOROWITZ;

Defendant and  
Appellant

(Civil Case No. 14-1-0173)  
(3<sup>rd</sup> Circuit)

REQUEST AND DECLARATION OF  
COUNSEL FOR ATTORNEYS' FEES  
AND COSTS; APPENDIX "A"-  
"C"; CERTIFICATE OF SERVICE

REQUEST AND DECLARATION OF COUNSEL FOR ATTORNEYS' FEES AND COSTS

In accordance with Hawai'i Rules of Appellate Procedure (HRAP) Rule 39(d), I, Paul J. Sulla, Jr., attorney for Appellee PAUL J. SULLA, III, request compensation for costs and attorneys' fees and, in conjunction herewith aver, as follows:

1. Appellee prevailed in this appeal.
2. I request reimbursement for necessary and authorized costs as follows:

**Exhibit 15**

**From:** USPS\_Shipping\_Services@usps.com  
**Subject:** USPS - Click-N-Ship(R) Payment Confirmation  
**Date:** March 10, 2016 4:35:46 PM HST  
**To:** contact@cureshoppe.com

8 Attachments, 38 KB



[Sign in](#) | [Shipping History](#) | [Manage Your Mail](#) | [Customer Service](#)

## USPS-Click-N-Ship® Payment Confirmation

Thanks for shipping with us, LEONARD G HOROWITZ!

Additional information regarding your label(s) can be found in your [Shipping History](#). From your Shipping History you can Ship Again, track your package, or request a refund.

### Click-N-Ship® Payment Details

**Acct #:** 58348025

**Transaction Number:** 368089794

**Transaction Date/Time:** 03/10/2016 08:33 PM CST

**Transaction Amount:** \$46.05

**Payment Method:** PayPal®

### Priority Mail® 1-Day

#### Flat Rate Envelope

[9410 8036 9930 0077 6081 18](#) (Sequence Number 1 of 6)

**Scheduled Delivery Date:** 03/12/2016

**Shipped to:** STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION  
235 S BERETANIA ST  
STE 300  
HONOLULU HI 96813-2419

### Priority Mail® 2-Day

#### Flat Rate Envelope

[9405 5036 9930 0281 7078 88](#) (Sequence Number 2 of 6)

**Scheduled Delivery Date:** 03/14/2016

**Shipped to:** MARGARET WILLE  
ATTORNEY AT LAW  
65-1316 LIHIPALI RD  
KAMUELA HI 96743-8340

**Exhibit 16**

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**Priority Mail® 2-Day**

**Flat Rate Envelope**

[9405 5036 9930 0281 7078 95](#) (Sequence Number 3 of 6)

**Scheduled Delivery Date:** 03/14/2016

**Shipped to:** PAUL J SULLA, JR  
ATTORNEY AT LAW  
106 KAMEHAMEHA AVE # 2A  
HILO HI 96720-2862

**Priority Mail® 2-Day**

**Flat Rate Envelope**

[9405 5036 9930 0281 7079 01](#) (Sequence Number 4 of 6)

**Scheduled Delivery Date:** 03/14/2016

**Shipped to:** STEPHEN D WHITTAKER  
ATTORNEY AT LAW  
PO BOX 964  
KAILUA KONA HI 96745-0964

**Priority Mail® 2-Day**

**Flat Rate Envelope**

[9410 8036 9930 0077 6081 25](#) (Sequence Number 5 of 6)

**Scheduled Delivery Date:** 03/14/2016

**Shipped to:** JUDGE RONALD IBARRA  
CIRCUIT COURT OF THIRD CIRCUIT, STATE  
OF HAWAII  
79-1020 HAUKAPILA ST  
KEALAKEKUA HI 96750-7922

**Priority Mail® 2-Day**

**Flat Rate Envelope**

[9410 8036 9930 0077 6081 32](#) (Sequence Number 6 of 6)

**Scheduled Delivery Date:** 03/14/2016

**Shipped to:** JUDGE MELVIN FUJINO  
CIRCUIT COURT OF THIRD CIRCUIT, STATE  
OF HAWAI  
79-1020 HAUKAPILA ST  
KEALAKEKUA HI 96750-7922

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**Tracking Number:** 9405503699300281707895**Updated Delivery Day:** Saturday, March 12, 2016

## Product & Tracking Information

**Postal Product:**  
Priority Mail 2-Day™**Features:**  
USPS Tracking®Up to \$50 insurance included  
Restrictions Apply

## Available Actions

[Text Updates](#)[Email Updates](#)

DATE & TIME	STATUS OF ITEM	LOCATION
March 12, 2016 , 10:27 am	Delivered, In/At Mailbox	HILO, HI 96720
Your item was delivered in or at the mailbox at 10:27 am on March 12, 2016 in HILO, HI 96720.		
March 12, 2016 , 9:01 am	Sorting Complete	HILO, HI 96720
March 12, 2016 , 5:53 am	Arrived at Post Office	HILO, HI 96720
March 11, 2016 , 4:40 pm	Departed Post Office	HONOLULU, HI 96814
March 11, 2016 , 3:49 pm	Arrived at USPS Facility	HONOLULU, HI 96820
March 11, 2016 , 12:32 pm	Picked Up	HONOLULU, HI 96814
March 10, 2016	Pre-Shipment Info Sent to USPS	

## Track Another Package

Tracking (or receipt) number

[Track It](#)

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.[Sign up for My USPS ›](#)

Search or Enter a Tracking Number



## AFFIDAVIT OF SAMANTHA SPARROW

I, Samantha Sparrow, am a guest at Leonard Horowitz and Sherri Kane's home on

13-3775 Pahoa Kalapana Rd, Pahoa, HI 96778. I left the house on Friday 12<sup>th</sup>,

March 2016. I looked at the clock before I left the house and the time was 19.24.

I got in the car drove to the gate and opened the padlock. I noticed taped to the

gate with masking tape, a piece of paper that was not there the prior day. Upon a

closer inspection, it was titled, "Writ of Ejectment" and addressed to Leonard

Horowitz and Sherri Kane, but there was no envelope or certificate of service.

Sincerely,



Samantha Sparrow

Subscribed and sworn to before me this

18 day of March 2016

A. Warner

Notary Public, State of Hawaii

My commission expires 2/6/2020

### NOTARY PUBLIC CERTIFICATION

A. Warner Third Circuit

Doc. Description Affidavit of

Samantha Sparrow

No. of Pages 1 Date of Doc 3/18/16

A. Warner 3/18/16

Notary Signature Date

Exhibit 17

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Margaret Wille  
Attorney at Law  
65-1316 Lihipali Road  
Kamuela, Hawaii 96743  
Tel: 808-854-6931  
[margaretwille@mac.com](mailto:margaretwille@mac.com)

FILED

2016 MAR 14 PM 3:39

March 13, 2016 (to be filed on March 14, 2016)

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

Honorable Melvin Fujino  
Circuit Court of the Third Circuit  
Keakealani Bldg., Rm. 240  
79-1020 Haukapila Street  
Kealahou, HI 96750

Hester et al v. Horowitz et. al. Civ. No. 14-1-0304  
Re: Writ of Execution

Dear Judge Fujino:

My clients, Defendants Leonard Horowitz and Sherri Kane, advised that Saturday night March 12<sup>th</sup> they found a Writ of Ejectment signed by you and dated January 29, and entered by the Clerk on March 1, 2016, on the gate to their property that has been the subject of the above referenced litigation. Attorney Stephen Whittaker's name is on the upper left hand corner of the document. As the attorney for Defendants Horowitz and Kane, I should have immediately received a copy of the proposed Writ when it was submitted to the Court by Attorney Whittaker. There is no certificate of service showing that I was served a copy of the proposed Writ - stamped as filed on February 29, 2016. THERE IS CLEARLY THE APPEARANCE OF IMPROPRIETY IN THIS CASE.

Likewise I should have immediately been provided a copy of the signed Writ when that was returned by the Court to Attorney Whittaker for processing and service to me. Instead I received copies of the related Orders on March 4, 2016, but still did not receive a copy of the Writ —IN FACT I HAVE YET TO BE SERVED A COPY OF THE WRIT!

WHAT IS UP WITH DUE PROCESS PROCEDURES HERE?

Note that since my clients have in the past not been timely served documents to be provided by Attorney Whittaker, they have been checking Ho'ohiki to make sure a Writ was not signed and issued without their knowledge. It was not until Friday March 11, 2016 that the Orders and proposed Writ filed by Attorney Whittaker was posted on Ho'ohiki. Further the Court's issuance of the signed Writ has yet to be posted on Ho'ohiki.

On March 2, 2016, I filed for a stay pending appeal pursuant to Hawaii Rules Civil Procedure 62(d) - within 10 days of your having denied Defendants' Motion for Reconsideration or Alternatively for New Trial on February 29, 2016 (along with the related Rule 62(b) Motions). A hearing on the March 2<sup>nd</sup> filed HRCP Rule 62(d) motion is

**Exhibit 18**

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scheduled for April 21, 2016. In light of the due process violations, the Writ of Ejectment should not be carried out until after a ruling on that March 2, 2016 filed Motion

**Please also be advised that this matter is now subject to an automatic stay in light of the March 10, 2016, filing of Bankruptcy by Leonard Horowitz No. 16-00239.**

Respectfully,



Margaret Wille, Attorney for Defendants

cc: Stephen Whittaker, Esq. Attorney for Plaintiff



**From:** MARGARET WILLE   
<margaretwille@mac.com>  
**Subject:** Fwd: Civ. 14-1- 0304 change date of hearing on  
stay pending appeal  
**Date:** March 24, 2016 12:32:41 PM HST  
**To:** Leonard Horowitz 1 <len15@mac.com>, Sherri  
Kane <sherrikane@gmail.com>

1 Attachment, 772 KB

Begin forwarded message:

**From:** MARGARET WILLE <margaretwille@mac.com>  
**Subject:** Civ. 14-1- 0304 change date of hearing on stay  
pending appeal  
**Date:** March 24, 2016 at 12:32:05 PM HST  
**To:** [kenneth.d.kauwe@hawaii.gov](mailto:kenneth.d.kauwe@hawaii.gov)

Here is the Stipulation by both attorneys agreeing to postpone the hearing on the stay pending appeal in Civ. 14-1-0304. Please note that Stephen Whittaker is the attorney of record for Plaintiff Jason Hester. The federal court disqualified attorney Paul Sulla from continuing as the attorney in this case because of his conflict of interest.

Judge Fujino's clerk has tentatively noted this change of date (to April 28th) -subject to receiving the original signed stipulation - which is now in the mail to the Court to confirm

**Exhibit 19**

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agreement among all parties.

I would appreciate an email confirming your receipt of this email. Thank you.

Much aloha, Margaret Wille, attorney for Len Horowitz and Sherry Kane



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808-854-6931

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**Margaret Wille #8522**  
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65-1316 Lihipali Road  
Kamuela, Hawaii 96743  
Tel: 808-854-6931  
[margaretwille@mac.com](mailto:margaretwille@mac.com)

March 15, 2015

To: Leonard Horowitz and Sherri Kane  
STATEMENT FOR LEGAL SERVICES for Civ. 05-1-0196 and Civ. 14-1-0304  
From February 28, 2016 through March 15, 2016  
Previous Billing **\$72,914.19**  
Paid since last billing: \$3500.  
Outstanding Past Balance: \$69414.19  
Charges as set forth below: **\$\$7851.**  
**TOTAL NOW DUE: \$77,265.19**

**Case 304:**

Hours:	Date:	Activities:	(Hours: rounded down)
3	2/28	researching and drafting Motion for Stay 62d	
4	2/29	drafting Motion/Memorandum related docs (Declaration, Cert. Service, Notice of Motion)	
3	3/2	Meeting with clients, finalizing documents for filing	
1	3/5	Review of Whittaker proposed orders and research	
1	3/12	Review of Whittaker orders and meeting with client	3/13
5	3/13	Research, Drafting, and Filing ICA Appeal, Letter to Circuit Court	
6	3/14	Research, drafting, and filing Emergency Stay re bankruptcy.	
1	3/15	Meeting with clients re Emergency Stay and bankruptcy	

24 hours x \$300 per hour = \$7200  
Plus GET (4%) = \$288.  
Subtotal: \$7488.

Out of pocket expenses: \$315. ICA court filing fee;  
\$48. copying costs, mailings, mileage

**Total due for billing period: \$7851.**

**Exhibit 20**

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Affidavit

State of Missouri     )  
County of Jackson    )

I Christopher Baker, do swear (affirm), under penalty of perjury, There is no evidence found while performing the work authorized by My client, or in the reports I was authorized to run, including comprehensive record checks of Mr. Jason Hester and Cecil Loran Lee, of Mr. Jason Hester and Cecil Loran Lee being blood related.

[Signature]

Sign

Christopher Baker

Print

Subscribed and sworn to (or affirmed) before me on this 26 day of September, 2013, by:

Christopher Baker

Personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

State of Missouri)

County of Jackson)

Subscribed and sworn to before me on Sept 26, 2013.

Gail Cianciolo     Gail Cianciolo

Sign

Print

Notary Public

My Commission Expires: 2-19-2015

Seal

GAIL CIANCIOLO  
Notary Public-Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires Feb. 19, 2015  
Commission # 11390879

**Exhibit 21**

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