

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2017 10:12 AM
To: CPCtestimony
Cc: jsugimura@bendetfidell.com
Subject: Submitted testimony for HB218 on Feb 22, 2017 14:01PM

HB218

Submitted on: 2/21/2017

Testimony for CPC on Feb 22, 2017 14:01PM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------------------|---------------------------|---------------------------|
| Jane Sugimura | HI Council of Assoc. of Apt. Owners a | Oppose | No |

Comments: HCCA was a member of the Mortgage Foreclosure Task Group that urged passage of this law, and it joins in the objections to the bill as set out in the testimony of Christian Porter of Porter McGuire Kiakona and Chow.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Mililani Town Association

95-303 Kaloapau Street
Mililani Town, HI 96789
Phone (808) 623-7300

February 21, 2017

LATE

Committee on Consumer Protection and Commerce
State Capitol, Conference Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: Testimony in Opposition of HB218

Dear Chair McKelvey, Vice Chair Ichiyama and Members Aquino, Ito, Say, Takayama, Todd, Yamane and Fukumoto:

On behalf of the Mililani Town Association (MTA), I would like to urge your opposition to HB218, Relating to Foreclosures.

HB218 requires publication in a newspaper three times even if posted on the State web site. At an average cost of \$650 per single publication, this is an increased cost of \$1300 that would be passed on to a homeowner in a planned community association, over what the current law states (one publication).

Since the majority of owners in a planned community get multiple letters from their Association, multiple letters from the Association attorney, including certified letters indicating receipt, to claim they weren't aware of their delinquency is just not true. The majority of foreclosures filed typically result in the owner "finally" realizing they are delinquent, and then curing the delinquency. Thus adding two more notices actually only adds to the cost the delinquent owner has to make up, harming those I think this bill is trying to protect.

Again, I urge you to kill this bill and not pass it out of your Committee.

Thank you for your time. If you have any questions, please contact me at 440-2614, I will be happy to provide any additional information you may need.

Sincerely,

David O'Neal, CMCA, AMS
General Manager

Sammy Holaso
1535 Pensacola Street Apt. 509
Honolulu, Hawaii 96822

February 20, 2017

RE: I SUPPORT HOUS BILL 218

Representative Angus L.K. Mckelvey, Chair
Representative Linda Ichiyama, Vice Chair
Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair McKelvey and Vice Chair Ichiyama:

I am the one that introduce this House Bill to Speaker Emeritus Calvin K.Y. Say and I meet with Evelyn Hee at the State Capital in person to discuss the number of issues I had with Hawaii First Inc. and the Association of Palolo gardens.

I was a first time home buyer that did not end well in 2006 for me.

Hawaii First Inc. and the Association of Palolo Gardens had "**COMMINGLED**" my maintenance fees account for three years' period, which Mr. Richard Emery did nothing to correct my problem, instead he brushed it off for three years and in fact took actions against me, with an attorney collection letters' with Porter McGuire. It took Mr. Richard Emery three years to correct my account deficiency, which caused bad blood, and I was perceived as a trouble maker for many years'. I was constantly harassed by the Association members' one of them harassed me by telephone every week for two month at ridiculous hours, another one telephone me acting as my friend trying to get information, one took a picture of me, I was confronted by a person I have never met at Home Depot, all I asked him why didn't the Association "**FORECLOSED**" my property when I bought this property during 2006. I filed court petition that was decline, for harassment by telephone contact, I tried to file a police report, HPD said they are concerned, and do not amount to harassment or annoyance. I have tried RICO, RICO have said,

they only handle **"ADVERTISING and LICENSING LAWS"** and not all complaints amount to investigation.

I believed if Mr. Richard Emery took this matter more seriously, I believed, we would have worked out the problems with him; instead, Mr. Emery attacking me with misstatements and distractions by making an polarizing statement in a letter ***"because the payments were received, he must have received the maintenance fees coupons"***, which I never received.

After I was discharged of chapter 7, I had to seek assistance from RICO investigator Ryan Y. to obtain my maintenance fees coupons in my behalf, because Jeannett Burgess and I tried in person to obtain it, at Hawaii First Inc. headquarters where we were meet with opposition, over talking us, escorting us out the building.

Then, I attended both of my public auction dates on June 4 and Sept. 1, Porter McGuire told RICO and The Bureau of Conveyance that it was **"HELD and SOLD"**. Porter McGuire never **"HELD"** a public auction and I believed that they never advertise 3 weeks in the Advertiser News paper, because I researched it at the Hawaii State Library and found **"NO PUBLIC RECORD"**. And I visited the Star Advertiser headquarters at Restaurant Row; the Star Advertiser recommended that I asked, Porter McGuire for the copies of the advertiser ads.

This is why I support this House Bill 218 for more transparency, even leveling plane, ads be placed in the Advertiser news ads in cases like in my unfortunate case that Porter McGuire alleges it was Held and sold, and by not allowing attorneys' to charge excessive attorney fees which caused me to owe thousands of dollars more than what I actually owed in maintenance fees.

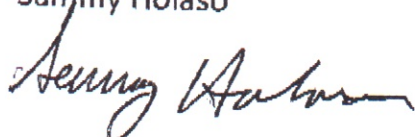
Without this disclosure from Hawaii First Inc. and the Association of Palolo Gardens it is hard to argue anything.

There is more that I would like to address in the near future like those issues I have expressed in this letter.

Although, I was discharged in 2013, Hawaii First Inc. and the Associations of Palolo Gardens has sent me a collection letters of the delinquency amount that is owed,

they have collected and recovered most of the default amount, I do not know if this is a violation of bankruptcy order, Mr. Richard Emery is a bankruptcy trustee. I have come across something I have seen on the internet last night House Bill 242 relating to disputes with a condominium board of directors. That I would like to learn more about, because there are issues' that are not being resolved by the Board of Directors.

Sincerely,
Sammy Holaso



Jeannett Burgess
1535 Pensacola Street Apt.509
Honolulu, Hawaii 96822

February 20, 2017

RE: I AM SUPPORTING HOUSE BILL 218

Representative Angus L.K. Mckelvey, Chair
Representative Linda Ichiyama, Vice Chair
Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

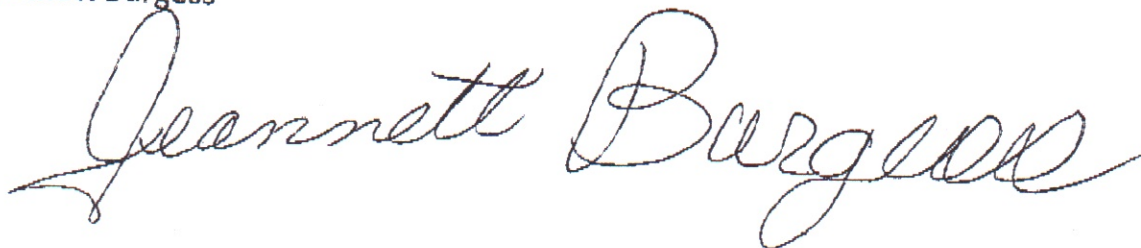
Dear Chair Mckelvey and Vice Chair Ichiyama:

I am supporting this House Bill 218, because I have seen in person that Porter McGuire did not "**HELD**" a public auction on my son Sammy Holaso on September 1.

I think this House Bill will give debtors the ability to see the post in the Advertiser news paper better options, and that debtor has the ability to prove that the Associations' and law firm did not in fact post ads.

It would remiss for you not to pass this House Bill 218, because I know the debtors, out there has to prove that there was no public sale. My son could not prove or find a Porter McGuire public auction, in fact I personally visited a Porter McGuire Headquarters were they ran me out of the office, at least the debtors can save the whole news paper page.

Sincerely,
Jeannett Burgess



February 22, 2017

Representative Angus L.K. McKelvey, Chair
Representative Linda Ichiyama, Vice Chair
Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **Opposition to HB218**

Dear Chair McKelvey and Vice Chair Ichiyama:

I am a partner with the law firm of Porter McGuire Kiakona & Chow, LLP. Our firm represents condominium associations throughout the State of Hawaii, and I am active on the Community Association Institutes' Legislative Action Committee ("LAC") and a member of the Board of Directors for the Condominium Council of Maui ("CCM"). This testimony is not being submitted on behalf of either LAC or CCM.

I submit this testimony in opposition to HB218.

The current process of publishing for non-judicial foreclosures should not be changed. It was implemented to save debtor's from the high costs of having to publish three (3) times in the newspaper as these costs (in the thousands of dollars) are passed on to the debtor/consumer that is the subject of the foreclosure. Therefore, there is no need to implement the requirements of HB218.

Thank you for your consideration.

Very truly yours,



Christian P. Porter