

From: Lynette Marushige
Sent: Wednesday, February 18, 2009 5:04 AM
To: HSGtestimony
Subject: FW: HB 1044 testimony

LATE TESTIMONY

HB 1044 Testimony

We the Kaipo, Koa, Ohana Tribes are Kapolei Fee Simple Homeowners in the first villages called Kumu Iki, We have raised our family tribes here in Kapolei 18 years, our children are now adults. Honored with 10 grandchildren the villages of Kapolei continues to be the future for our generations to come.

Our Shared Appreciation Equity to the Housing Finance Development Corporation is paid in full It is easier for any mortgage company to foreclose on your property based under the terms and conditions set fourth without the State Shared Appreciation Equity.

We testify that the delay of the State Shared Appreciation Equity gives irresponsible homeowners who intimidates fellow homeowner villagers with crystal meth drug activities. We the neighbors of Brent Nagamine have been subjected for years of the traffic of drug users including criminals and chop shop activities. It has been very dangerous for our families to enjoy. We testify the continued delay from the State to retrieve top dollar will only cause danger to our fellow Kapolei Homeowners

We support this HB 1044 and we kindly request the Housing Finance Development Corporation to please help us to stop the irresponsible homeowners taking advantage of this loophole in their defense. Mahalo and God Bless You and All , State Representative Sharon Har for your continued support for we the people.

Malama Pono ,
Mrs. Jeanette L. Kaipo.
Mr. Colin C. Kaipo
Mr. Manuwela K. Kaipo

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HB 1044 RELATING TO HOUSING
House Committee on Housing

February 2, 2009
Room: 325

9:05 a.m.

LIVE TESTIMONY

Dear Chair Cabanilla, Vice Chair Chong and members of the committee on Housing,

My name is John S Tauber. I am a 6 - year resident of Kapolei. I am writing in STRONG SUPPORT of this bill.

From the time that we moved in, our neighbor has been involved in suspicious activities. We have worked with the Attorney General's office, Honolulu Police Department and other law enforcement agencies, but unfortunately have not been successful in evicting this neighbor from his property due to his criminal activity. We were recently advised that this individual had defaulted on his mortgage and were thrilled to learn that the house was in foreclosure. What should have been a simple transaction in foreclosing upon the property has become a nightmare for the residents of Nihopeku Street allowing this neighbor to continue living at the property without having to pay anything. In this case, the mortgage company, Countrywide, is taking the position that its mortgage interest has priority above the shared appreciation equity lien ("SAE") imposed by HHFDC. As such, HHFDC and Countrywide are now fighting over any anticipated appreciation that may be realized upon the auctioning of the home. In the meantime, this neighbor continues to live next door to me free of charge while continuing to terrorize the neighborhood.

The HHFDC program under which this house was purchased allowed it to be sold for less than market value and therefore does not allow the purchaser to sell the home for a profit. The issue now involves the auctioning of the home and who gets the profit should the home sell for a price above that which it was purchased for.

With regard to the eviction process, neither HHFDC nor Countrywide can evict this neighbor until an auction occurs and the deed is transferred to a new owner. The problem is that HHFDC and Countrywide are involved in litigation due to the issue of which lien is superior.

HB 1044 clarifies that the SAE lien is a priority lien and will enable HHFDC to collect the value of SAE more easily. It will also require advance written notification to the HHFDC of intent to foreclose on properties encumbered by such priority liens. Had this bill been law, Countrywide could not have taken its current position and the foreclosure proceedings against my neighbor would have taken place long ago. I strongly urge this committee to pass this bill.

Thank you for the opportunity to testify.