

JAN 21 2011

A BILL FOR AN ACT

RELATING TO CIVIL RELIEF FOR MILITARY RESERVE COMPONENT
PERSONNEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 636, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§636- Extension of foreclosure. If at any time a lien
5 is entered against a state resident who is a member of a reserve
6 component of any branch of the United States armed forces and:

7 (1) By virtue of military orders, is required to be and is
8 physically located outside of the United States for
9 not less than ninety consecutive days; and

10 (2) Whose ability to send and receive mail is
11 substantially reduced;

12 no proceeding may be commenced in any court to enforce the lien
13 until one year after the reserve component member returns to the
14 State."

15 SECTION 2. Chapter 657D, Hawaii Revised Statutes, is
16 amended by adding a new section to part III to be appropriately
17 designated and to read as follows:



1 "§657D- Extension of foreclosure. If at any time a
2 member of the state military forces defaults upon any obligation
3 to make payments on a loan secured by a mortgage upon real
4 property owned by the member, and the member:
5 (1) Is a state resident;
6 (2) By virtue of military orders, is required to be and is
7 physically located outside of the United States for
8 not less than ninety consecutive days; and
9 (3) Whose ability to send and receive mail is
10 substantially reduced;
11 no proceeding may be commenced in any court to enforce the
12 obligation arising out of nonpayment until one year after the
13 member returns to the State."

14 SECTION 3. Chapter 667, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§667- Extension of foreclosure. If at any time a
18 member of a reserve component of any branch of the United States
19 armed forces defaults upon any obligation to make payments on a
20 loan secured by a mortgage upon real property owned by the
21 reserve component member, and the reserve component member:

22 (1) Is a state resident;



1 (2) By virtue of military orders, is required to be and is
2 physically located outside of the country for not less
3 than ninety consecutive days; and

4 (3) Whose ability to send and receive mail is
5 substantially reduced;

6 no proceeding may be commenced in any court, and no power of
7 sale foreclosure may be conducted under part I or part II, to
8 enforce the obligation arising out of nonpayment until one year
9 after the reserve component member returns to the State."

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

National Guard; Foreclosure; Court Proceeding

Description:

Prevents any court or mortgagee from commencing a proceeding to enforce a lien or foreclosure action against real property owned by a member of a reserve component of any branch of the United States Armed Forces or member of the state military forces until that member of a reserve component or member has returned to the State for a period of one year.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

