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# A BILL FOR AN ACT

RELATING TO FORECLOSURES.

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

1           SECTION 1. Section 667-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§667-1 Foreclosure by action.** The circuit court may  
4 assess the amount due upon a mortgage, whether of real or  
5 personal property, without the intervention of a jury, and shall  
6 render judgment for the amount awarded, and the foreclosure of  
7 the mortgage. Execution may be issued on the judgment, as  
8 ordered by the court~~[-]~~; provided that:

9           (1) The mortgagor; or

10           (2) Any person claiming by, through, or under the  
11 mortgagor;

12 if using the mortgaged property as a primary residence, shall  
13 not be subject to eviction or ejection on the basis of a  
14 judgment under this section until the action has been finally  
15 adjudicated, including the resolution of all appeals therefrom."

16           SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



# H.B. NO. 2318

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Mele Carole

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JAN 23 2012



# H.B. NO. 2318

**Report Title:**

Mortgage Foreclosure Judicial Actions; Evictions and Ejectments

**Description:**

For mortgage foreclosures by judicial action, specifically prohibits evictions or ejectments of persons in possession of mortgaged property used as a primary residence until the foreclosure action has been finally adjudicated.

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

