

STAND. COM. REP. NO.

1170

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 499  
S.D. 1  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 499, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to adopt the Uniform Partition of Heirs Property Act, which establishes procedures and remedies for use in actions for partition of real property held in tenancy in common by specified parties and for which no binding agreement for partition exists.

The Commission to Promote Uniform Legislation testified in support of the intent of this measure. The Judiciary provided comments on this measure.

Your Committee notes that defending family members in partition actions often cannot afford and do not have counsel and may not understand what rights they have under the partition action. Therefore, your Committee has amended this measure by:

- (1) Specifying that the court shall determine whether the property is heirs property subject to this measure in any action for partition of real property;

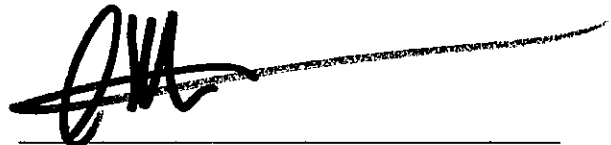
SB499 HD1 HSCR CPC HMS 2013-2740



- (2) Specifying that the court shall provide notice to all parties of the value of the real property and the cotenants' right to buy the interests of cotenants who are willing to sell; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 499, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 499, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



