



GOV. MSG. NO. 1137

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

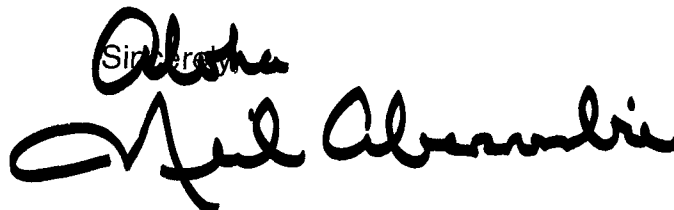
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

HB2513

RELATING TO MORTGAGE FORECLOSURES
ACT 037 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

14 APR 23 2014

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STATE OF HAWAII

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APR 24 2014

A BILL FOR AN ACT

RELATING TO MORTGAGE FORECLOSURES.

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

1 SECTION 1. Section 667-17, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§667-17[+] Attorney affirmation in judicial
4 foreclosure. Any attorney who files on behalf of a mortgagee
5 seeking to foreclose on a residential property under this part
6 shall sign and submit an affirmation that the attorney has
7 verified the accuracy of the documents submitted, under penalty
8 of perjury and subject to applicable rules of professional
9 conduct. The affirmation shall be filed with the court at the
10 time that the action is commenced and shall be in substantially
11 the following form:
12

" _____ CIRCUIT COURT OF THE STATE OF HAWAII

13 _____
14
15 Plaintiff,
16
17 v. AFFIRMATION
18
19 Defendant(s)
20



1 Mortgaged Premises:
2 _____
3 _____
4 _____

5 *Note: During and after August 2010, numerous and widespread insufficiencies*
6 *in foreclosure filings in various courts around the nation were reported by major*
7 *mortgage lenders and other authorities, including failure to review documents*
8 *and files to establish standing and other foreclosure requisites; filing of notarized*
9 *affidavits that falsely attest to such review and to other critical facts in the*
10 *foreclosure process; and "robosignature" of documents.*

11 * * *

12
13
14 [_____] , Esq., pursuant to Hawaii Revised Statutes §667-17 and under the
15 penalties of perjury, affirms as follows:

16
17 1. I am an attorney at law duly licensed to practice in the State of Hawaii and am affiliated
18 with the Law Firm of _____, the attorneys of record for Plaintiff in the
19 above-captioned mortgage foreclosure action. As such, I am fully aware of the underlying
20 action, as well as the proceedings had herein.

21
22 2. On [date], I communicated with the following representative or representatives of
23 Plaintiff, who informed me that he/she/they (a) personally reviewed plaintiff's documents
24 and records relating to this case for factual accuracy; and (b) confirmed the factual
25 accuracy of the allegations set forth in the Complaint and any supporting affidavits or
26 affirmations filed with the Court, as well as the accuracy of the notarizations contained in
27 the supporting documents filed therewith.

Name	Title
_____	_____
_____	_____
_____	_____

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33 3. Based upon my communication with [persons specified in item 2], as well as upon my
34 own inspection and other reasonable inquiry under the circumstances, I affirm that, to the
35 best of my knowledge, information, and belief, the Summons, Complaint, and other
36 papers filed or submitted to the Court in this matter contain no false statements of fact or
37 law and that plaintiff has legal standing to bring this foreclosure action. I understand my
38 continuing obligation to amend this Affirmation in light of newly discovered material
39 facts following its filing.

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42 4. I am aware of my obligations under Hawaii Rules of Professional Conduct.



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DATED:

N.B.: Counsel may augment this affirmation to provide explanatory details, and may file supplemental affirmations or affidavits for the same purpose."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: *Michelle E. Louren*

[Signature]

JAN 23 2014

APPROVED this 23 day of APR, 2014

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII

