

JAN 23 2014

S.B. NO. 3101

A BILL FOR AN ACT

RELATING TO BANK DOCUMENTS IN FORECLOSURE ACTIONS.

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

1 SECTION 1. Section 626-1, Hawaii Revised Statutes, is
2 amended by adding a new rule to be appropriately designated and
3 to read as follows:
4 "Rule Authentication of bank documents in foreclosure
5 actions. As a condition for admissibility of any bank document
6 to a court in a foreclosure action, a bank shall submit evidence
7 that the bank document, including mortgage documents and
8 promissory notes, was authenticated by the bank prior to
9 placement in the bank's files. Evidence that the bank document
10 was filed with or was a part of the files of the bureau of
11 conveyances shall not satisfy the authentication requirement
12 pursuant to this rule."

13 SECTION 2. New statutory material is underscored.

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

15

INTRODUCED BY: _____

Will Zygar
M. H.



S.B. NO. 3101

Report Title:

Rules of Evidence; Foreclosure; Bank Documents; Authentication

Description:

Establishes a new rule of evidence requiring a bank to submit evidence that a bank document was authenticated by the bank prior to placement in the bank's files, before a court will admit the document into evidence in a foreclosure action. Prohibits evidence that a document was filed with the bureau of conveyances from satisfying the authentication requirement pursuant to this rule.

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

