

Honolulu, Hawaii

FEB 0 1 2013

RE: S.B. No. 499

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

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

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

begs leave to report as follows:

The purpose and intent 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 involving heirs property.

Your Committee received testimony in support of this measure from the Commission to Promote Uniform Legislation.

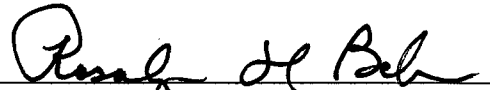
Your Committee finds that in 2010, the Uniform Law Commission promulgated the Uniform Partition of Heirs Property Act to provide a fair solution to the risks posed to those who own heirs property, which is real property held in tenancy in common that meets certain requirements.

Your Committee further finds that this measure does not displace existing partition law for non-heirs property, nor does it prohibit a party from petitioning for partition by sale or apply to situations where there is a written agreement relating to property partition. Rather, this measure establishes a hierarchy of remedies designed to protect a family's property holdings and real property wealth for partition actions involving heirs property. Your Committee also finds that this measure provides cotenants with many of the rights and protections found in private agreements governing the partition of tenancy in common property.



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

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



ROSALYN H. BAKER, Chair



