

Honolulu, Hawaii

April 8, 2016

RE: S.B. No. 2408  
S.D. 1  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2408, S.D. 1, H.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 the procedures and remedies that are applicable to actions for a partition of real property that is held in tenancy in common, with no binding agreement among the cotenants relating to the partition of the property, and that a court has determined to be heirs property. This measure specifies that the court is responsible to provide notice to each party regarding the determination of fair market value of the property and a cotenant's right to purchase the interest in the property of the cotenant that requested the partition by sale.

The Commission to Promote Uniform Legislation testified in support of this measure. The Judiciary and one concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Requiring the court to appoint a special master who shall fulfill the notice requirements that are specified by this measure, but are not specifically assigned to any cotenant;



- (2) Specifying that the costs of the special master's services and the expense of the notices shall be paid by the cotenants at the conclusion of the partition action; provided that the court has discretion to order payment of the cost and expenses from the estate of the deceased, the proceeds of the partition by sale, the cotenants, or a combination thereof; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2408, S.D. 1, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



