

**"CHAPTER 517
DISPOSITION OF TRUST REAL PROPERTY**

Section

- 517-1 Court approval of disposition of property under restraint
- 517-2 Construction of wills and trust instruments
- 517-3 Effect on existing and subsequent trusts

" **§517-1 Court approval of disposition of property under restraint.** Notwithstanding any limitation in any instrument creating any estate or trust, whether or not eleemosynary or incorporated, and whether or not in effect prior to April 24, 1957, which forbids or restrains the sale of real property of such estate or trust or which limits the terms of lease of such property to periods less than fifty-five years, the trustees or officers of the estate or trust, with the approval of the court, may sell the real property of the estate or trust or may lease the same for periods up to fifty-five years whether or not the lease shall extend beyond the expiration date of the estate or trust. [L 1957, c 13, §2; Supp, §345A-2; HRS §517-1]

" **§517-2 Construction of wills and trust instruments.** Whenever any will or trust instrument contains any provision restraining the free alienation of land or limiting the term of leases to the duration of the trust or to a term of less than fifty-five years and any such provision comes before the court for construction, all doubts shall be resolved against any such restraint or limitation, and doubts as to the existence of a power of sale or power to lease beyond the term of the trust shall be resolved in favor of the existence of such power. In all cases every will or trust instrument now in existence or hereinafter executed shall be construed in harmony with the public policy declared by this chapter. [L 1957, c 13, §3; Supp, §345A-3; HRS §517-2]

" **§517-3 Effect on existing and subsequent trusts.** The legislature declares that if this chapter is held invalid or unconstitutional with respect to trusts and estates existing prior to April 24, 1957, it would have enacted this chapter as applicable to estates and trusts arising subsequent to April 24, 1957. [L 1957, c 13, pt of §4; Supp, §345A-4; HRS §517-3]