

CHAPTER 535
SPECIFIC PERFORMANCE OF DECEDENT'S
CONTRACTS TO CONVEY REAL ESTATE

Section

535-1 Specific performance of decedent's contracts to convey
real estate

535-2 to 7 Repealed

Rules of Court

See Hawaii Probate Rules.

" **§535-1 Specific performance of decedent's contracts to convey real estate.** When any person, who is bound by a contract in writing to convey any real estate, dies before making the conveyance, the other party may commence an action in a circuit court to enforce a specific performance of the contract, the action to be commenced within one year after the grant of administration. [CC 1859, §1057; RL 1925, §2862; RL 1935, §4760; RL 1945, §12151; RL 1955, §321-1; HRS §535-1; am L 1972, c 108, §4(a); am L 1976, c 200, pt of §1; am L 1977, c 144, §61]

Case Notes

Where decedent contracted in writing, specific performance suit may be brought against executor alone. 23 H. 208.

Memorandum sufficient to satisfy statute of frauds not "contract in writing". 45 H. 1, 361 P.2d 374.

Where no contract in writing this chapter inapplicable and executor or administrator without power to act as sole representative of legal title in specific performance suit relating to real property. 45 H. 1, 13, 361 P.2d 374; 49 H. 409, 410, 420 P.2d 93; see 44 H. 464, 474, 355 P.2d 25. Compare 43 H. 241, relating to pending litigation over title to real estate.

" **§§535-2 to 4 REPEALED.** L 1977, c 144, §62.

" **§535-5 REPEALED.** L 1972, c 108, §4(g).

" **§§535-6, 7 REPEALED.** L 1977, c 144, §62.