
A BILL FOR AN ACT

RELATING TO FORECLOSURE.

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

1 SECTION 1. The legislature finds that it has become common
2 practice for a foreclosing party not to record the
3 commissioner's deed awarding a foreclosed property with the
4 State bureau of conveyances or land court until right before a
5 sale of the foreclosed property to a third party. The real
6 property taxes with interest that accrued during the interim
7 will eventually be paid upon sale to the third party. However,
8 citizens and agencies are unable to provide notice of nuisances
9 occurring within the vacant foreclosed property as required by
10 part V of chapter 712, Hawaii Revised Statutes, regarding
11 nuisance abatement, or chapter 708, Hawaii Revised Statutes,
12 regarding the notice requirement for defense to trespass for
13 purposes of nuisance abatement.

14 The purpose of this Act is to require a mortgagee to record
15 a writ of possession as soon as practicable in land court or the
16 bureau of conveyances.



1 SECTION 2. Chapter 667, Hawaii Revised Statutes, is
2 amended by adding a new section to part IA be appropriately
3 designated and to read as follows:

4 "§667- Recordation of possession. (a) After a
5 mortgagee obtains a writ of possession, the mortgagee shall
6 record a certified copy of the writ of possession as soon as
7 practicable.

8 (b) The writ of possession recorded pursuant to subsection
9 (a) shall include the name and address of the person or entity
10 to whom notice is required by chapters 708, 712, or any other
11 chapter.

12 (c) This section in no way circumvents or infringes on any
13 other requirement for the name and address of an agent for
14 service of process."

15 SECTION 3. Section 501-118, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "[+] (b) [+] In case of foreclosure by action, a certified
18 copy of the [~~final~~]:

19 (1) Final judgment of the court confirming the sale may be
20 filed or recorded with the assistant registrar or the
21 deputy after the time for appealing therefrom has



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1 expired and the purchaser shall thereupon be entitled
 2 to the entry of a new certificate[-]; or
 3 (2) Writ of possession may be filed or recorded with the
 4 assistant registrar or the deputy as soon as
 5 practicable."

6 SECTION 4. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Judicial Foreclosure; Writ of Possession; Recordation

Description:

Requires a mortgagee to record a writ of possession as soon as practicable in land court or the bureau of conveyances.

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