

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 3004

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3004 entitled:

"A BILL FOR AN ACT RELATING TO PARTITION ACTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require commissioners in partition actions to:

- (1) File reports with the court and fully inform all interested parties of any applications and the specific details therein that may be required for the partition or division of the property, including applications for water meter permits;
- (2) Provide interested parties the right to object and be heard at a hearing; and
- (2) File a report with the court and submit proposed language of any deed of partition or of sale prior to the execution of such deeds.

Your Committee received testimony in support of this measure from four individuals.

Your Committee finds that the courts have the power to appoint commissioners with certain powers in partition actions, including the sale and division of real property; investigation of



and reporting on the sale of certain real property in actions for foreclosure, partition, and quiet title; and execution of deeds and related conveyance documents for real property subject to partition. Your Committee received testimony that interested parties in partition actions are not informed of the commissioners' activities related to the action or its status, by the time they do learn of the partition action they are left to incur substantial legal fees to try to protect their ownership interest. In response to such testimony, your Committee concludes that all parties should be fully informed of any and all applications for permits that the commissioner may intend to submit and have the opportunity to object and be heard at a hearing prior to the commissioner submitting any such applications.

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. 3004 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



