

ACT 171

H.B. NO. 3348

A Bill for an Act Relating to Probate.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 560:3-1201, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-1201 Collection of personal property by affidavit. Any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented a death certificate for the decedent and an affidavit made by or on behalf of the successor stating that:

- (1) The net value of the decedent’s estate in this State does not exceed [\$1,000;] \$5,000;
- (2) No application or petition for the appointment of a personal representative is pending or has been granted in this State; and
- (3) The claiming successor is entitled to payment or delivery of the property and explaining the relationship of the claiming successor to the decedent.”

SECTION 2. Section 560:3-1212, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-1212 Estates of persons[,] leaving no known relatives. Every coroner[,] or medical examiner[,] who is called to investigate the death of any person leaving no known spouse, issue, parent, grandparent, or issue of grandparents

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over the age of majority in the State, shall take immediate charge of such decedent's personal effects and if in the discretion of the coroner the value of such personal [effect] effects is in excess of [\$100] \$1,000, forthwith deliver them to the clerk of the court of the judicial circuit in which such decedent died.

If after ten days no person appears, competent to initiate appropriate probate proceedings, the clerk shall administer the estate pursuant to the provisions of this Part 12; provided that if such decedent's estate be of a value exceeding \$20,000, the clerk shall notify the judge of such circuit having charge of the probate calendar, and shall petition for the appointment of a personal representative of such estate other than the clerk. In the meantime the clerk may take such steps as may be appropriate to preserve and conserve the real and personal property of the decedent. All expenses in connection with the taking possession, care, and conservation of the property and with such proceedings shall be proper charges against the estate of the decedent. The corporation counsel or county attorney of each county shall advise, assist, and represent as far as necessary any of such officers in the performance of any act or the institution or prosecution of any proceeding required by this section.

If such decedent's estate be of a value not exceeding [\$100] \$1,000 and such decedent has no known relatives or whose relatives have failed to indicate any means of disposition of such estate, then the coroner[,] or medical examiner[,] having custody of such property shall dispose of such property in an appropriate manner, which may be any one of the following or a combination thereof:

- (1) Where the estate consists only of money and is not in excess of [\$100] \$1,000 and expenditures have been made in connection with such death, to reimburse the appropriate city and/or county office [which] that made the disbursement to defray said expenses;
- (2) Where the estate consists of cash or personal belongings of monetary value, or both¹ not exceeding [\$100] \$1,000, to liquidate the personal belongings and apply the proceeds, together with the cash, if the total does not exceed [\$100] \$1,000, in accordance with paragraph (1);
- (3) Where the assets in the estate are of no monetary value (unsaleable) and in the best judgment and discretion of the coroner or medical examiner can be used by some charitable institution, to donate the assets to whatever charitable institution is willing and able to pick up the assets in question;
- (4) Where the assets have no value whatsoever or are in such condition that, in the best judgment and discretion of the coroner or medical examiner, a charitable institution cannot use the properties, or will not receive the properties, to destroy the same in any manner the coroner or medical examiner sees fit; and
- (5) If under paragraphs (1) and (2), there are assets remaining, then the coroner or medical examiner shall forthwith forward the same to the state director of finance for disposition as provided in chapter 523A."

SECTION 3. Section 560:3-1213, Hawaii Revised Statutes, is repealed.

SECTION 4. This Act does not apply to any proceedings, whether currently pending or not, that were initiated prior to its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.²

SECTION 6. This Act shall take effect on July 1, 1988.

(Approved June 6, 1988.)

Notes

1. Prior to amendment, “,” appeared here.
2. Edited pursuant to HRS §23G-16.5.