
A BILL FOR AN ACT

RELATING TO MORTGAGE FORECLOSURES.

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

1 SECTION 1. Act 162, Session Laws of Hawaii 2010, created a
2 mortgage foreclosure task force to undertake a study to develop
3 both general and specific policies and procedures necessary to
4 improve the manner in which mortgage foreclosures are conducted
5 in the State. The Act directed the task force to submit two
6 reports, a preliminary report for the regular session of 2011
7 and a final report for the regular session of 2012.

8 The legislature finds that the rationale for Act 162 was
9 legislative findings that the number of mortgage foreclosures of
10 residential property in the State had reached an alarming level,
11 prompting numerous legislative proposals during the regular
12 session of 2010. The legislature concluded that a comprehensive
13 evaluation of Hawaii's mortgage foreclosure laws was necessary
14 before meaningful legislation could be enacted to address the
15 concerns of both borrowers and lenders without further
16 overburdening the courts.

17 The legislature notes that the mortgage foreclosure task
18 force is comprised of individuals representing borrowers,



1 lenders, and other stakeholders in the mortgage foreclosure
2 process. The legislature finds that the recommendations in the
3 preliminary report of the mortgage foreclosure task force for
4 the regular session of 2011 reflect a consensus that was finally
5 reached among this diverse group of individuals over a course of
6 several months of public meetings held during the legislative
7 interim of 2010.

8 The legislature also finds that in the preliminary report
9 for the regular session of 2011, the task force proposed
10 legislation that amends the existing nonjudicial foreclosure
11 process, which is established as the foreclosure by power of
12 sale process under part I of chapter 667, Hawaii Revised
13 Statutes. The legislature further finds that implementing the
14 task force recommendations will help modernize the present law,
15 by providing increased clarity, certainty, efficiency, and
16 fairness to both borrowers and lenders.

17 The purpose of this Act is to implement the recommendations
18 that were adopted by the mortgage foreclosure task force and
19 submitted in the preliminary report to the legislature for the
20 regular session of 2011 by:

21 (1) Requiring that for a foreclosure under power of sale,
22 the notice of intent to foreclose be served not less



1 than twenty-one days before the date of sale on all
2 persons entitled to notice in the same manner as the
3 service of a civil complaint under chapter 634, Hawaii
4 Revised Statutes, and the Hawaii rules of civil
5 procedure;

6 (2) Prohibiting a mortgagee who completes a foreclosure
7 under power of sale upon a mortgage on residential
8 property from subsequently pursuing or obtaining a
9 deficiency judgment against certain owner-occupants of
10 that residential property;

11 (3) Authorizing an owner-occupant of residential property
12 subject to a foreclosure under power of sale to
13 convert the action into a foreclosure by action;

14 (4) Authorizing the mortgagee conducting a foreclosure
15 under power of sale to record with the land court or
16 the bureau of conveyances a copy of the notice of
17 intent to foreclose, which will give the recorded copy
18 of the notice the same effect as a notice of pendency
19 of action in a civil action, such as the foreclosure
20 by action;

21 (5) Authorizing the land court to record the notice of
22 intent to foreclose;



1 (6) Requiring that public sales of real property pursuant
2 to a nonjudicial power of sale foreclosure shall be
3 held at the state building in the county seat of the
4 county in which the subject property is located; and

5 (7) Adopting a portion of the 2005 ruling of the United
6 States Bankruptcy Court for the District of Hawaii in
7 *In re Hoopai*, 2005 WL 1156091 (Bankr. D. Hawaii
8 January 12, 2005) (No. 04-02511), order affirmed by *In*
9 *re Hoopai*, 2005 WL 2864748 (D. Hawaii October 14,
10 2005) (No. CV.05-00186 DAE-KSC, CV.05-00187 HG-BMK),
11 by specifying that for a foreclosure under power of
12 sale, the mortgagor's interest is extinguished upon
13 the recordation of the affidavit in the bureau of
14 conveyances or in the land court, as the case may be,
15 within thirty days of the date of sale.

16 SECTION 2. Chapter 667, Hawaii Revised Statutes, is
17 amended by adding six new sections to part I to be appropriately
18 designated and to read as follows:

19 "§667-A Definitions. As used in this part, unless the
20 context requires otherwise:

21 "Association" has the same meaning as the term is defined
22 in section 514B-3 or 421J-2.



1 "Nonjudicial foreclosure" means foreclosure under power of
2 sale.

3 "Owner-occupant" means a person who, at the time that a
4 notice is served of the intent to foreclose on a residential
5 property under the power of sale, owns an interest which is
6 encumbered by the mortgage being foreclosed in the residential
7 property; provided that the residential property is and has been
8 the person's primary residence for a continuous period of not
9 less than two hundred days immediately preceding the date on
10 which the notice is served.

11 "Residential property" means real property that is improved
12 and used for residential purposes.

13 §667-B Conversion to judicial foreclosure; residential
14 property; conditions. (a) An owner-occupant of a residential
15 property that is subject to nonjudicial foreclosure under this
16 part may convert the action to a judicial foreclosure provided
17 that:

18 (1) The owner-occupant files a complaint conforming to
19 section 667-C with the circuit court in the circuit
20 where the residential property is located, stating
21 that the owner-occupant of the property elects to
22 convert the nonjudicial foreclosure to a judicial



1 foreclosure proceeding, no later than twenty days
2 after the notice of the nonjudicial foreclosure action
3 is served on the owner-occupant as required by section
4 667-5(a)(1)(A);

5 (2) Within ninety days of the filing of a complaint
6 pursuant to paragraph (1), all owners of an interest
7 in the residential property whose interests are
8 pledged or otherwise encumbered by the mortgage that
9 is being foreclosed and all persons who have signed
10 the promissory note or other instrument evidencing the
11 debt secured by the mortgage that is being foreclosed,
12 including without limitation co-obligors and
13 guarantors, file a statement in the circuit court
14 action agreeing to submit to the judicial process and
15 the jurisdiction of the circuit court; provided
16 further that if this condition is not satisfied, the
17 circuit court action shall be dismissed with prejudice
18 as to the right of any owner-occupant to convert the
19 action to a judicial proceeding, and the mortgagee may
20 proceed nonjudicially;

21 (3) Filing a complaint pursuant to paragraph (1) shall
22 automatically stay the nonjudicial foreclosure action



1 unless and until the judicial proceeding has been
2 dismissed;

3 (4) The person filing a complaint pursuant to paragraph
4 (1) shall have an affirmative duty to promptly notify
5 the Hawaii attorney who is handling the nonjudicial
6 foreclosure about the filing of the complaint for
7 conversion;

8 (5) All parties joined in the converted judicial
9 proceeding may assert therein any claims and defenses
10 that they could have asserted had the action
11 originally been commenced as a judicial foreclosure
12 action; and

13 (6) Notwithstanding the authority of the supreme court to
14 establish fees pursuant to section 607-1, the fee for
15 filing a complaint for conversion shall be not more
16 than \$ _____.

17 (b) This section shall not apply to nonjudicial
18 foreclosures of association liens.

19 **§667-C Complaint; residential property; required contents.**

20 (a) A complaint filed pursuant to section 667-B shall contain
21 at a minimum:



- 1 (1) A caption setting forth the name of the court, the
2 title of the action, and the file number; provided
3 that the title of the action shall include the names
4 of the filing party as plaintiff and the foreclosing
5 party as the defendant;
- 6 (2) The name, mailing address, and telephone number of the
7 filing party;
- 8 (3) The address or tax map key number of the property
9 subject to the foreclosure action;
- 10 (4) A statement identifying all other owners of an
11 interest in the residential property whose interests
12 are pledged or otherwise encumbered by the mortgage
13 that is being foreclosed and all persons who have
14 signed the promissory note or other instrument
15 evidencing the debt secured by the mortgage that is
16 being foreclosed, including without limitation co-
17 obligors and guarantors and the property insurer;
- 18 (5) A certification under penalty of perjury that the
19 filing party is an owner-occupant of the subject
20 property and seeks to convert the nonjudicial
21 foreclosure to a judicial proceeding;



1 (6) A statement certifying that the filing party served a
2 copy of the complaint on the attorney identified in
3 the notice of intent to foreclose either by personal
4 delivery at, or by postage prepaid United States mail
5 to, the address of the attorney as set forth in the
6 notice of intent to foreclose; and

7 (7) A copy of the notice of intent to foreclose that was
8 served on the filing party and the property insurer
9 for the power of sale foreclosure that the filing
10 party is seeking to convert to a judicial proceeding.

11 (b) The assignment of parties in the complaint for
12 conversion pursuant to subsection (a) shall relate to the
13 petition for conversion only and shall not be construed to
14 affect the assignment of parties in a nonjudicial power of sale
15 foreclosure converted to a judicial foreclosure pursuant to this
16 part.

17 §667-D Notice of intent to foreclose; residential
18 property; required statement on conversion. (a) The notice of
19 intent to foreclose nonjudicially that is served and posted as
20 required under sections 667-5(a)(1)(A) and 667-5(b)(2) shall
21 include, in addition to the contents required under section



1 667-7, a statement printed in not less than 14-point font as
2 follows:

3 "IF THE PROPERTY BEING FORECLOSED IS
4 IMPROVED AND USED FOR RESIDENTIAL PURPOSES, AN
5 OWNER-OCCUPANT OF THE PROPERTY (DEFINED UNDER
6 PART I OF CHAPTER 667 OF THE HAWAII REVISED
7 STATUTES, AS A PERSON WHO, AT THE TIME THIS
8 NOTICE IS SERVED, OWNS AN INTEREST IN THE
9 RESIDENTIAL PROPERTY THAT IS SUBJECT TO THE
10 MORTGAGE BEING FORECLOSED AND THE RESIDENTIAL
11 PROPERTY HAS BEEN THE PRIMARY RESIDENCE
12 CONTINUOUSLY FOR NOT LESS THAN TWO HUNDRED DAYS)
13 HAS THE RIGHT TO CONVERT A NONJUDICIAL
14 FORECLOSURE PROCEEDING TO A JUDICIAL FORECLOSURE
15 WHERE CLAIMS AND DEFENSES MAY BE CONSIDERED BY A
16 COURT OF LAW. TO EXERCISE THIS RIGHT, THE OWNER-
17 OCCUPANT SHALL COMPLETE AND FILE THE ATTACHED
18 FORM WITH THE CIRCUIT COURT IN THE CIRCUIT WHERE
19 THE PROPERTY IS LOCATED WITHIN TWENTY DAYS AFTER
20 SERVICE OF THIS NOTICE.

21 IN ADDITION, ALL OWNERS OF AN INTEREST IN
22 THE RESIDENTIAL PROPERTY WHOSE INTERESTS HAVE



1 BEEN PLEDGED OR OTHERWISE ENCUMBERED BY THE
2 MORTGAGE THAT IS BEING FORECLOSED AND ALL PERSONS
3 WHO HAVE SIGNED THE PROMISSORY NOTE OR OTHER
4 INSTRUMENT EVIDENCING THE DEBT SECURED BY THE
5 MORTGAGE THAT IS BEING FORECLOSED, INCLUDING,
6 WITHOUT LIMITATION, CO-OBLIGORS AND GUARANTORS,
7 SHALL FILE A STATEMENT WITHIN NINETY DAYS OF THE
8 FILING OF THE ATTACHED FORM IN THE CIRCUIT COURT
9 ACTION THAT THEY AGREE TO SUBMIT TO THE JUDICIAL
10 PROCESS AND THE JURISDICTION OF THE CIRCUIT
11 COURT. FAILURE TO SATISFY THIS CONDITION WILL
12 RESULT IN DISMISSAL OF THE CIRCUIT COURT ACTION.

13 AN OWNER-OCCUPANT SHALL PROMPTLY NOTIFY THE
14 HAWAII ATTORNEY LISTED IN THIS NOTICE ABOUT THE
15 FILING OF THE CONVERSION FORM.

16 A FORECLOSING LENDER WHO COMPLETES A
17 NONJUDICIAL FORECLOSURE OF RESIDENTIAL PROPERTY
18 SHALL BE PROHIBITED UNDER HAWAII LAW FROM
19 PURSuing A DEFICIENCY JUDGMENT AGAINST AN OWNER-
20 OCCUPANT WHO DOES NOT OWN A FEE SIMPLE OR
21 LEASEHOLD INTEREST IN ANY OTHER REAL PROPERTY.
22 IF THIS ACTION IS CONVERTED TO A JUDICIAL



1 PROCEEDING, HOWEVER, THEN ALL REMEDIES AVAILABLE
2 TO A LENDER MAY BE ASSERTED, INCLUDING THE RIGHT
3 TO SEEK A DEFICIENCY JUDGMENT."

4 (b) The statement required by this section shall not be
5 required to be included in the notice of sale published pursuant
6 to section 667-5(a)(1)(B). Nothing in this section shall be
7 construed to set a minimum font size for the published notice of
8 sale. The rights referred to in this notice do not apply in the
9 case of the foreclosure of a lien by an association.

10 **§667-E Recordation of notice of intent to foreclose.** The
11 foreclosing mortgagee may record a copy of the notice of intent
12 to foreclose with the assistant registrar of the land court or
13 the bureau of conveyances, as the case may be, in a manner
14 similar to recordation of notices of pendency of action under
15 section 501-151 or section 634-51, or both, as applicable. The
16 recorded notice shall have the same effect as a notice of pendency
17 of action. From and after the recordation of the notice, any
18 person who becomes a purchaser or encumbrancer of the mortgaged
19 property shall be deemed to have constructive notice of the power
20 of sale foreclosure and shall be bound by the foreclosure.

21 **§667-F Location of public sale following nonjudicial power**
22 **of sale foreclosure.** The public sale of the mortgaged property



1 following nonjudicial power of sale foreclosure pursuant to
2 section 667-5 shall be held at the state building in the county
3 seat of the county in which the subject property is located;
4 provided that for the city and county of Honolulu, the
5 department of accounting and general services shall designate
6 the appropriate state building and shall provide for
7 notification to the judiciary and the general public of the
8 designated state building."

9 SECTION 3. Section 501-151, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§501-151 Pending actions, judgments; recording of,**
12 **notice.** No writ of entry, action for partition, or any action
13 affecting the title to real property or the use and occupation
14 thereof or the buildings thereon, and no judgment, nor any
15 appeal or other proceeding to vacate or reverse any judgment,
16 shall have any effect upon registered land as against persons
17 other than the parties thereto, unless a full memorandum
18 thereof, containing also a reference to the number of
19 certificate of title of the land affected is filed or recorded
20 and registered. Except as otherwise provided, every judgment
21 shall contain or have endorsed on it the State of Hawaii general
22 excise taxpayer identification number, the federal employer



1 identification number, or the last four digits only of the
2 social security number for persons, corporations, partnerships,
3 or other entities against whom the judgment is rendered. If the
4 judgment debtor has no social security number, State of Hawaii
5 general excise taxpayer identification number, or federal
6 employer identification number, or if that information is not in
7 the possession of the party seeking registration of the
8 judgment, the judgment shall be accompanied by a certificate
9 that provides that the information does not exist or is not in
10 the possession of the party seeking registration of the
11 judgment. Failure to disclose or disclosure of an incorrect
12 social security number, State of Hawaii general excise taxpayer
13 identification number, or federal employer identification number
14 shall not in any way adversely affect or impair the lien created
15 upon recording of the judgment. This section does not apply to
16 attachments, levies of execution, or to proceedings for the
17 probate of wills, or for administration in a probate court;
18 provided that in case notice of the pendency of the action has
19 been duly registered it is sufficient to register the judgment
20 in the action within sixty days after the rendition thereof.

21 As used in this chapter "judgment" includes an order or
22 decree having the effect of a judgment.



1 Notice of the pendency of an action in a United States
2 District Court, as well as a court of the State of Hawaii, may
3 be recorded.

4 Notice of intent to foreclose as provided in section 667-E
5 may be recorded.

6 The party seeking registration of a judgment shall redact
7 the first five digits of any social security number by blocking
8 the numbers out on the copy of the judgment to be filed or
9 recorded."

10 SECTION 4. Section 607-5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The fees prescribed by the schedule in this section
13 shall be paid to the clerk of the circuit court as costs of
14 court by the person instituting the action or proceeding, or
15 offering the paper for filing, or causing the document to be
16 issued or the services to be performed in the circuit court;
17 provided that nothing in the schedule shall apply to cases of
18 adults charged with commission of a crime, or to proceedings
19 under section 571-11(1), (2), or (9), [~~or~~] to proceedings under
20 chapter 333F or 334, [~~or~~] to small estates [~~+~~]including
21 decedents' estates and protection of property of minors and
22 persons under disability[+] when the amount payable is fixed by



1 another statute[+], or to nonjudicial foreclosures converted to
2 judicial proceedings pursuant to section 667-B; and provided
3 further that the fees prescribed by subsection (c)(32) shall be
4 deposited by the clerk of the circuit court into the judiciary
5 computer system special fund pursuant to section 601-3.7.

6 For the purpose of this section, "judgment" includes a
7 decree and any order from which an appeal lies.

8 **SCHEDULE**

9 In the application of this schedule, each case assigned a
10 new number or filed under the number previously assigned to a
11 probate, trust, guardianship, or conservatorship, shall carry a
12 fee for the institution or transfer of the action or proceeding
13 as prescribed by part I, and in addition the fees prescribed by
14 part II unless otherwise provided."

15 SECTION 5. Section 667-3, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§667-3 Proceeds, how applied.** Mortgage and other
18 creditors shall be entitled to payment according to the priority
19 of their liens, and not pro rata; and judgments of foreclosure
20 and foreclosures under power of sale that are conducted in
21 compliance with this part and for which an affidavit is recorded
22 as required under section 667-5 shall operate to extinguish the



1 liens of subsequent mortgages and liens of the same property,
2 without forcing prior mortgagees or lienors to their right of
3 recovery. The surplus after payment of the mortgage foreclosed,
4 shall be applied pro tanto to the next junior mortgage[~~r~~] or
5 lien, and so on to the payment, wholly or in part, of mortgages
6 and liens junior to the one assessed."

7 SECTION 6. Section 667-5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§667-5 Foreclosure under power of sale; notice; affidavit**
10 **after sale[~~r~~]; deficiency judgments.** (a) When a power of sale
11 is contained in a mortgage, and where the mortgagee, the
12 mortgagee's successor in interest, or any person authorized by
13 the power to act in the premises, desires to foreclose under
14 power of sale upon breach of a condition of the mortgage, the
15 mortgagee, successor, or person shall be represented by an
16 attorney who is licensed to practice law in the State and is
17 physically located in the State. The attorney shall:

18 (1) Give notice of the mortgagee's, successor's, or
19 person's intention to foreclose the mortgage and of
20 the sale of the mortgaged property[~~r~~by] as follows:

21 (A) By serving, not less than twenty-one days before
22 the date of sale, written notice of the intent to



1 foreclose on all persons entitled to notice under
2 this part in the same manner as service of a
3 civil complaint under chapter 634 and the Hawaii
4 rules of civil procedure, as they may be amended
5 from time to time; provided that in the case of
6 nonjudicial foreclosure of a lien by an
7 association, the association shall mail the
8 notice by certified or registered mail, not less
9 than twenty-one days before the date of sale, to:

10 (i) The unit owner at the address shown in the
11 records of the association and, if
12 different, at the address of the unit being
13 foreclosed; and

14 (ii) All mortgage creditors whose names are known
15 or can be discovered by the association; and

16 (B) By publication of the notice once in each of
17 three successive weeks [4], constituting three
18 publications[7] with the last publication to be
19 not less than fourteen days before the day of
20 sale, in a newspaper having a general circulation
21 in the county in which the mortgaged property
22 lies; and



- 1 (2) Give any notices and do all acts as [are] authorized
2 or required by the power contained in the mortgage.
- 3 (b) Copies of the notice required under subsection (a)
4 shall be:
- 5 (1) Filed with the state director of taxation; and
6 (2) Posted on the premises not less than twenty-one days
7 before the day of sale.
- 8 (c) Upon the request of any person entitled to notice
9 pursuant to this section and sections 667-5.5 and 667-6, the
10 attorney, the mortgagee, successor, or person represented by the
11 attorney shall disclose to the requestor the following
12 information:
- 13 (1) The amount to cure the default, together with the
14 estimated amount of the foreclosing mortgagee's
15 attorneys' fees and costs, and all other fees and
16 costs estimated to be incurred by the foreclosing
17 mortgagee related to the default prior to the auction
18 within five business days of the request; and
- 19 (2) The sale price of the mortgaged property once
20 auctioned.
- 21 (d) Any sale, of which notice has been given [as
22 ~~aforesaid,~~] pursuant to subsections (a) and (b) may be postponed



1 from time to time by public announcement made by the mortgagee
2 or by [~~some~~] a person acting on the mortgagee's behalf. Upon
3 request made by any person who is entitled to notice pursuant to
4 section 667-5.5 or 667-6, or this section, the mortgagee or
5 person acting on the mortgagee's behalf shall provide the date
6 and time of a postponed auction, or if the auction is canceled,
7 information that the auction was canceled. The mortgagee,
8 within thirty days after selling the property in pursuance of
9 the power, shall file a copy of the notice of sale and the
10 mortgagee's affidavit, setting forth the mortgagee's acts in the
11 premises fully and particularly, in the bureau of conveyances.

12 (e) The mortgagee or other person, excluding an
13 association, who completes, pursuant to this part, the
14 nonjudicial foreclosure of a mortgage or other lien on
15 residential property shall not be entitled to pursue or obtain a
16 deficiency judgment against an owner-occupant of the residential
17 property who, at the time the notice of intent to foreclose is
18 served, does not have a fee simple or leasehold ownership interest
19 in any other real property; provided that nothing in this section
20 shall prohibit any other mortgagee or person who holds a lien on
21 the residential property subject to the nonjudicial foreclosure,
22 whose lien is subordinate to the mortgage being foreclosed and is



1 extinguished by the nonjudicial foreclosure sale, from pursuing a
2 monetary judgment against an owner-occupant.

3 [~~(e)~~] (f) The affidavit and copy of the notice shall be
4 recorded and indexed by the registrar, in the manner provided in
5 chapter 501 or 502, as the case may be.

6 [~~(f)~~] (g) This section is inapplicable if the mortgagee is
7 foreclosing as to personal property only."

8 SECTION 7. Section 667-8, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§667-8 Affidavit as evidence, when.** If it appears by the
11 affidavit that the affiant has in all respects complied with the
12 requirements of the power of sale and the [~~statute~~] relevant
13 statutes in relation to all things to be done by the affiant
14 before selling the property, and the affiant has sold the [~~same~~]
15 property in the manner required by the power, the affidavit[~~]~~
16 or a duly certified copy of the record [~~thereof~~] of the
17 affidavit shall be admitted as evidence that the power of sale
18 was duly executed. The interests of the mortgagor, and all
19 those claiming under, by, or through the mortgagor, in the
20 property being foreclosed by exercise of a power of sale under
21 this part, including land whose title is not registered in the
22 land court under chapter 501, shall be deemed extinguished upon



1 the recordation of the affidavit in the bureau of conveyances or
2 in the office of the assistant registrar of the land court, as
3 the case may be, within thirty days of the date of sale of the
4 property at public auction."

5 SECTION 8. Section 667-25, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) The public sale of the mortgaged property shall be
8 held at the state building in the county seat of the county
9 where the mortgaged property is located[-]; provided that for
10 the city and county of Honolulu, the department of accounting
11 and general services shall designate the appropriate state
12 building and shall provide for notification to the judiciary and
13 the general public of the designated state building. However,
14 if the borrower, the mortgagor, and the foreclosing mortgagee
15 all agree in writing, the public sale may be held [~~in~~] at the
16 state building in the county seat of a different county in the
17 State. The public sale shall be held during business hours on a
18 business day."

19 SECTION 9. This Act shall apply only to foreclosure
20 proceedings initiated after the effective date of this Act.

21 SECTION 10. The judiciary shall adopt a form for a
22 conversion complaint filed pursuant to section 2 of this Act.



1 SECTION 11. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 12. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 13. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 14. This Act shall take effect on July 1, 2050.



Report Title:

Mortgage Foreclosures; Task Force

Description:

Implements recommendations of the mortgage foreclosure task force relating to service of notice, conversion from nonjudicial to judicial foreclosure, the bar against deficiency judgments, notice of pendency of action, and extinguishment of the mortgagor's interest pursuant to the old nonjudicial foreclosure law. Requires a 21 day notice of foreclosure to insurers of the subject property. Requires public sale of property after a nonjudicial power of sale foreclosure to be held at the state building in the county seat of the county where the property is located or, for the city and county of Honolulu, at the state building designated by the department of accountings and general services. Effective 7/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

