

Honolulu, Hawaii
March 24, 2016

RE: S.B. No. 2408
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2408, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY,"

begs leave to report as follows:

The purpose of this measure is to adopt the Uniform Partition of Heirs Property Act, which establishes procedures and remedies applicable to actions for partition of real property held in tenancy in common and that is deemed heirs property.

The Commission to Promote Uniform Legislation provided comments on this measure.

Your Committee has amended this measure by:

- (1) Specifying that the Court, rather than the movant, shall send notice:
 - (A) Send notice to the parties of the fair market value of the property if the court determines the fair market value of the property, after an evidentiary hearing;
 - (B) To each party regarding the fair market value of the property as set forth in the appraisal and rights of appeal, if an appraisal is conducted;



- (C) To the parties of the fair market value of the property before considering the merits of an action for partition; and
 - (D) To the parties that any cotenant except a cotenant that requested partition by sale may buy the interest of any cotenant that requested partition by sale, if any cotenant requested partition by sale;
- (2) Deleting the requirement that the appraiser shall notify the movant for determination that the property is heirs property and that the appraisal has been filed with the clerk of the court; and
 - (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2408, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



