

---

---

## A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

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

1           SECTION 1. Section 651-92, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Real property shall be exempt from attachment or  
4 execution as follows:

5           (1) An interest in one parcel of real property in the  
6 State of Hawaii of a fair market value not exceeding  
7 [~~\$30,000~~] \$650,000 owned by the defendant who is  
8 either the head of a family or an individual sixty-  
9 five years of age or older~~[-]~~; or

10           (2) An interest in one parcel of real property in the  
11 State of Hawaii of a fair market value not exceeding  
12 \$20,000 owned by the defendant who is a person.

13 The fair market value of the interest exempted in paragraphs (1)  
14 or (2) shall be determined by appraisal and shall be an interest  
15 [~~which~~] that is over and above all liens and encumbrances on the  
16 real property recorded prior to the lien under which attachment  
17 or execution is to be made. Not more than one exemption shall  
18 be claimed on any one parcel of real property even though more



1 than one person residing on [~~such~~] the real property may  
2 otherwise be entitled to an exemption.

3 Any claim of exemption under this section made before [~~May~~  
4 ~~27, 1976,~~] July 1, 2009, shall be deemed to be amended on [~~May~~  
5 ~~27, 1976,~~] July 1, 2009, by increasing the exemption to the  
6 amount permitted by this section on [~~May 27, 1976,~~] July 1,  
7 2009, to the extent that such increase does not impair or defeat  
8 the right of any creditor who has executed upon the real  
9 property prior to [~~May 27, 1976.~~] July 1, 2009."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2009.

13

INTRODUCED BY: Cindy Evans

JAN 22 2009



**Report Title:**

Attachment and Execution; Real Property Exemption

**Description:**

Increases real property exemption for attachment and execution for defendant head of family or 65 years or older.

