
A BILL FOR AN ACT

RELATING TO ATTACHMENT OF REAL PROPERTY.

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

1 SECTION 1. The legislature finds that it has not increased
2 the real property exemption amount from attachment or execution
3 since 1978, and since that time inflation has risen by three
4 hundred per cent. Therefore, the purpose of this Act is to
5 increase the exemption amount up to current valuation standards.

6 SECTION 2. Section 651-92, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§651-92 Real property exempt.** (a) Real property shall
9 be exempt from attachment or execution as follows:

10 (1) An interest in one parcel of real property in the
11 State of Hawaii, of a fair market value not exceeding
12 [~~\$30,000,~~ \$90,000, owned by the defendant who is
13 either the head of a family or an individual sixty-
14 five years of age or older.

15 (2) An interest in one parcel of real property in the
16 State of Hawaii, of a fair market value not exceeding



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1 [~~\$20,000,~~] \$60,000, owned by the defendant who is a
2 person.

3 The fair market value of the interest exempted in paragraph (1)
4 or (2) shall be determined by appraisal and shall be an interest
5 which is over and above all liens and encumbrances on the real
6 property recorded prior to the lien under which attachment or
7 execution is to be made. Not more than one exemption shall be
8 claimed on any one parcel of real property even though more than
9 one person residing on such real property may otherwise be
10 entitled to an exemption.

11 Any claim of exemption under this section made before
12 [~~May 27, 1976,~~] _____, 2021, shall be deemed to be amended
13 on [~~May 27, 1976,~~] _____, 2021, by increasing the exemption
14 to the amount permitted by this section on [~~May 27, 1976,~~]
15 _____, 2021, to the extent that such increase does not
16 impair or defeat the right of any creditor who has executed upon
17 the real property prior to [~~May 27, 1976.~~] _____, 2021.

18 (b) No exemption authorized under this section shall apply
19 to process arising from:

20 (1) A lien as provided by section 507-42;



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Report Title:

Real Property; Exemption; Attachment; Execution.

Description:

Increases the real property exemption amount for attachment or execution.

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