

ACT 22

H. B. 157.

A Bill for an Act Relating to Executions Upon Judgments in District Courts.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Sales of property on execution issuing from district magistrates presently are not required to be reviewed by circuit courts. In certain cases these sales have been made for amounts greatly below the value of the property causing tremendous loss to the affected defendants. It is urgent and in the public interest to provide for a review of these sales by circuit courts to assure adequacy of consideration.

SECTION 2. Part II of chapter 233 is amended by inserting a new section to be numbered and to read as follows:

§ 233-31.5. Review by circuit court. Before any sale of property pursuant to an execution or alias execution issued by a district magistrate, the same shall be reviewed by the circuit court in the circuit where the property is located and shall not become final until the circuit court approves of the sale. The circuit court shall not approve of any sale where the consideration to be paid for the property is inadequate. An appraiser may be appointed by the circuit court for the purposes of this section."

SECTION 3. This Act shall take effect upon its approval.

(Approved April 30, 1968.)