

ACT 106

H. B. NO. 2051-72

A Bill for an Act Relating to Liens, Amending Chapter 507 of the Hawaii Revised Statutes.

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

SECTION 1. Chapter 507 of the Hawaii Revised Statutes is amended as follows:

(a) Section 507-4 is amended by amending the last paragraph to read as follows:

“The liens may be enforced by action of the lienor in the circuit court of the judicial circuit in which judgment was rendered. Jurisdiction is conferred upon the circuit courts to hear and determine all actions brought or instituted to enforce and foreclose the liens, and the proceedings had before the circuit court shall be conducted in the same manner and form as ordinary foreclosure proceedings.”

(b) Section 507-5 is amended by deleting from the next to the last line and the last line the words “mortgagor’s equity of redemption” and inserting in lieu thereof the word “mortgage”.

(c) Section 507-17 is amended by deleting from the last line of the next to the last paragraph the words “board of supervisors” and inserting in lieu thereof the word “council”.

(d) Section 507-20 is amended to read as follows:

“Sec. 507-20. Defense to lien by claimants. Any person having an interest in the property held by a lienor under section 507-18 may intervene in the action.”

(e) Section 507-21 is amended by deleting from the third and fifth lines the word “declaration” and inserting in lieu thereof “complaint”.

(f) Section 507-22 is amended to read as follows:

“Sec. 507-22. Disputes as to application of proceeds of sale upon execution; jurisdiction of district courts; appeal. Where a dispute arises as to the application of the proceeds upon the sale under execution of property held by a lienor, the court shall order that the proceeds be paid into court. It shall thereupon determine to or among whom the proceeds shall be paid or divided. Nothing in section 604-5, limiting the jurisdiction of district courts, shall be construed as affecting the adjudication; but an appeal may be taken therefrom as in other civil cases.”

(g) Section 507-43 is amended by inserting at the beginning of the first sentence a subsection designation and caption “(a) Requirements.”, by inserting at the beginning of the second paragraph the subsection designation and caption “(b) Time for filing; action to vacate.”, and by inserting subsection designations (c), (d), (e), (f), and (g) at the beginning of the third, fourth, fifth, sixth and seventh paragraphs, respectively.

(h) Section 507-43 is further amended by deleting from the fourth line the words “by law”, by deleting from the next to the last line of the second paragraph the words “a suit” and inserting in lieu thereof “an action”, and by deleting from the last line of the second paragraph the word “suit” and inserting in lieu thereof “action”.

(i) Section 507-47 is amended by deleting from the third line the word “suit” and inserting in lieu thereof “action”; by deleting from the seventh line the words “the ordinary allegations” and inserting in lieu thereof “a claim in the nature”; by deleting from the thirteenth line the word “suit” and inserting in lieu thereof the words “the action”; by deleting from the twenty-third line the words “in equity”; by deleting from the next to the last line of the first paragraph the word “their” and inserting in lieu thereof “the”; and by deleting from the last line of the first paragraph the words “their respective suits” and inserting in lieu thereof “the respective actions”.

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(j) Section 507-47 is further amended by deleting from the first line of the second paragraph the word "suit" and inserting in lieu thereof "action"; by deleting from the second line of the second paragraph the words "of a circuit judge sitting in" and inserting in lieu thereof "pertaining to courts of"; and by amending the last sentence to read as follows: "In addition to costs of the action the court may allow any fee or fees for legal services rendered by the attorneys for any of the parties, and apportion the same as costs for payment by and between the parties or any of them, all as to the court seems equitable in the light of the services performed and the benefits derived therefrom by the parties respectively."

SECTION 2. The amendments made by this Act shall not affect or repeal any other act passed at the same session of the legislature, and all such acts shall have full effect. So far as such acts conflict with any provision contained in this Act, they shall have the effect of subsequent acts.

SECTION 3. This Act upon its approval shall take effect on July 1, 1973.

(Approved May 23, 1972.)