

ACT 71

H.B. NO. 2593-76

A Bill for an Act Relating to the Foreclosure of Real Property Tax Liens.

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

SECTION 1. Section 246-56, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 246-56 Tax liens; foreclosure without suit, notice.** All real property on which a lien for taxes exists may be sold by way of foreclosure without suit by the tax collector, and in case any lien, or any part thereof, has existed thereon for three years, shall be sold by the tax collector at public auction to the highest bidder, for cash, to satisfy the lien, together with all interest, penalties, costs, and

expenses due or incurred on account of the tax, lien, and sale, the surplus, if any, to be rendered to the person thereto entitled. The sale shall be held at any public place proper for sales on execution, after notice published at least once a week for at least four successive weeks immediately prior thereto in any newspaper with a general circulation of at least 60,000 published in the State and any newspaper of general circulation published and distributed in the taxation district the property to be sold is situated, if there be a newspaper published in the taxation district. If the address of the owner is known or can be ascertained by due diligence, including an abstract of title or title search, the tax collector shall send to each owner notice of the proposed sale by registered mail, with request for return receipt. If the address of the owner is unknown, the tax collector shall send a notice to the owner at his last known address as shown on the records of the department of taxation. The notice shall be deposited in the mail at least 45 days prior to the date set for the sale. The notice shall also be posted for a like period in at least three conspicuous public places within such taxation district, and if the land is improved one of the three postings shall be on the land.”

SECTION 2. Section 246-57, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 246-57 Same; registered land.** If the land has been registered in the land court, the tax collector shall also send by registered mail a notice of the proposed sale to any person holding a mortgage or other lien registered in the office of the assistant registrar of the land court. The notice shall be sent to any such person at his last address as shown by the records in the office of the registrar, and shall be deposited in the mail at least 45 days prior to the date set for the sale.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 10, 1976.)

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\*Edited accordingly.