

ACT 154

H.B. NO. 1061

A Bill for an Act Relating to Quiet Title Actions.

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

SECTION 1. Section 669-2, Hawaii Revised Statutes, is amended to read:

"Sec. 669-2 Defendants; unknown persons. (a) Any person may be made a defendant in the action who has or claims, or may claim, an interest in the property adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the issues involved therein.

(b) Unknown persons may be made parties as provided by the rules of court, if:

(1) It shall be shown by the complaint that there are or may be persons unknown, claiming by, through, or under any named person; or

(2) Other facts shall be shown by the complaint given rise to an actual controversy between plaintiff and persons unidentified or whose names are unknown.

(c) In any action brought under section 669-1(b):

(1) There shall be joined as defendants, in addition to persons known to have an adverse interest, the adjoining owners and occupants so far as known.

(2) If all persons interested who are known or can be joined as provided by subsection (b) have been made parties, the summons in addition to being directed to such parties, may be directed to unknown persons generally and in such case, after service upon the persons summoned, known and unknown, the court shall have jurisdiction to proceed as though all persons interested were in being and personally served, but any adjudication shall, as regards a defendant served pursuant to section 669-3, affect only the property which is the subject of the action except as provided by section 634-23.

(d) In any action brought under section 669-1, the State may be joined as a defendant only, when:

(1) It is an adjoining property owner and the same is alleged by the plaintiff, or

(2) The party asserting the claim can demonstrate, by a title search prepared at his own expense by an abstractor licensed in the State, that the State has a clear and specific interest in the subject matter of the suit which is adverse to the plaintiff's claim, and a copy of said title search is furnished to the State without cost, together with the complaint."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

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

(Approved June 2, 1977.)

*Edited accordingly.