

**ACT 33**

**H.B. NO. 1827-80**

A Bill for an Act Relating to Partnerships.

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

SECTION 1. Section 425-125, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this part and to any agreement

between the partners, has an equal right with the other partners to possess specific partnership property for partnership purposes; but the partner has no right to possess such property for any other purpose without the consent of the other partners.

- (b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.
- (c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.
- (d) On the death of a partner the partner's right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when the deceased's right in such property vests in the deceased's legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.
- (e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to surviving spouses, heirs, or next of kin."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved April 22, 1980.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.