

ACT 222

H.B. NO. 390

A Bill for an Act Relating to Quieting Title.

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

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

“§669-1 Object of action. (a) Action may be brought by any person against another person who claims, or who may claim adversely to the plaintiff, an estate or interest in real property, for the purpose of determining the adverse claim.

(b) Action for the purpose of establishing title to a parcel of real property of five acres or less may be brought by any person who has been in adverse possession of the real property for not less than twenty years. Action for the purpose of establishing title to a parcel of real property of greater than five acres may be brought by any person who had been in adverse possession of the real property for not less than twenty years prior to November 7, 1978, or for not less than earlier applicable time periods of adverse possession. For purposes of this section, any person claiming title by adverse possession shall show that such person acted in good faith. Good faith means that, under all the facts and circumstances, a reasonable person would believe that he or she has an interest in title to the lands in question and such belief is based on inheritance, a written instrument of conveyance, or the judgment of a court of competent jurisdiction.

[(c) Action under subsection (a) or (b) shall be brought in the circuit court of the circuit in which the property is situated.

(d) (c) Action brought to claim property of five acres or less on the basis of adverse possession may be asserted in good faith by any person not more than once in twenty years, after November 7, 1978.

(d) Action under subsection (a) or (b) shall be brought in the circuit court of the circuit in which the property is situated."

SECTION 2. Section 669-3, Hawaii Revised Statutes, is amended to read as follows:

"§669-3 Notice by publication or registered mail. In any action brought under section 669-1(a) or (b), unknown persons and any known persons who do not reside within the State or cannot after due diligence be served with process within the State may be served as provided by sections 634-23, 634-24, and 634-26[.]; provided that section 634-23(3) notwithstanding, service by publication in any action brought under section 669-1(a) or (b) shall be made in an English language newspaper published in and having a general circulation in the circuit in which the action or proceeding has been instituted, and if the action or proceeding has been instituted in any circuit other than the first circuit, service by publication shall also be made in an English language newspaper having a general circulation in the State. Publication shall be made in such manner and for such time as the court may order, but not less than once in each of four successive weeks, the last publication to be not less than twenty-one days prior to the return date stated herein unless a different time is prescribed by order of the court. A copy of the summons also shall be posted upon the real property concerned in the action or proceeding."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved June 8, 1983.)