

Hawaii (HI) Foreclosure Laws

When you develop a definite plan of action with well-timed, well-informed steps, you can stop the foreclosure process and save your home. We have outlined the foreclosure process for the state of Hawaii.

Judicial Foreclosure Available:yes

Non judicial Foreclosure Available:yes

Foreclosure in Hawaii takes one of two forms: (1) judicial foreclosure by a lawsuit much like any other lawsuit or (2) sale under a power of sale clause in the mortgage.

Preferred Method

Judicial foreclosure is the preferred method in Hawaii. Although trust deeds are available, they are not commonly used.

Judicial Foreclosure

In a judicial foreclosure, the Circuit court may assess the amount due on a mortgage, without a jury, and render judgment for that amount and an order of foreclosure on the mortgage. The actual sale of the property will take place in the same way as normal execution sales.

Non-judicial Foreclosure

Preliminary Notices

Advertising

Out of court foreclosures must be published, in English once per week for three consecutive weeks. The last publication must be run no less than 14 days before the sale date.

Mailing

Mortgage creditors having a mortgaged lien against the property that another mortgage creditor intends to foreclose on under a power of sale clause may, if a written request is given to the foreclosing mortgage creditor, receive notice of the lenders intent to foreclose. The foreclosing lender must mail the notice to the other mortgage creditors at least seven days prior to the date of the sale.

Sale

The highest bidder at the foreclosure sale buys the property.

Post-Sale Matters

A buyer at the foreclosure sale holds title subject to the existing liens. Any surplus from the sale shall be paid over to the owner of the mortgaged property.

Special Procedures

A notice of any foreclosure on a condominium apartment must be sent certified or registered mail to the association of the condominium. This notice must be sent at the time the lender begins foreclosure proceedings. This provision may not be waived.

Redemption

Redemption rights have been abolished in Hawaii.