

NON-JUDICIAL FORECLOSURE AUCTIONS PROHIBITED FROM BEING HELD ON COURT PROPERTY

The Hawaii State Judiciary will no longer allow non-judicial foreclosure auctions to take place on court property.

“Non-judicial foreclosure auctions occur as a result of contractual provisions, not judicial actions, and because the auction is not an action ordered by the court, there is no reason to conduct the activity on court grounds,” explained Administrative Director of the Courts, Thomas R. Keller. “Furthermore, because a non-judicial foreclosure auction is triggered by a provision in a private dispute, the court does not want to give the impression that it sanctions the activity.”

The few non-judicial foreclosure auctions that were scheduled to occur at the main courthouse on Oahu, Maui and Kauai prior to the change in the Judiciary’s policy are allowed to be held as publicly announced, said Keller.

Judicial foreclosure auctions on Oahu, Maui and Kauai (the First, Second and Fifth Circuits, respectively) may continue as usual. Persons interested in holding judicial foreclosure auctions on court property on the Big Island (the Third Circuit) must submit a Facilities Use Request Form to the Chief Court Administrator. Facilities Use Request Forms are available online or from Kathy Sakamoto at 961-7440.

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