Electronically Filed Supreme Court SCRU-11-0000580 23-JAN-2018 10:49 AM

SCRU-11-0000580

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the District Court Rules of Civil Procedure

ORDER AMENDING FORMS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that effective upon entry of this order, the attached Forms DC02, DC10, DC14, DC19, DC48, DC50, and DC55 are amended for use in the District Courts of the State of Hawai'i, and appended to the District Court Rules of Civil Procedure. The forms replace the prior forms bearing the same "DC" number.

 $\,$ IT IS FURTHER ORDERED that new Forms DC56 and DC57 are authorized to be inserted in the District Court Rules of Civil Procedure.

IT IS FURTHER ORDERED that Form DC16 is repealed and replaced with a new form, Ex Parte Motion to Stay Execution of Writ of Possession.

IT IS FINALLY ORDERED that the district courts are authorized to insert circuit identifiers, addresses and contact information and to publish the forms in print or electronic format.

DATED: Honolulu, Hawaiʻi, January 23, 2018.

- /s/ Mark E. Recktenwald
- /s/ Paula A. Nakayama
- /s/ Sabrina S. McKenna
- /s/ Richard W. Pollack
- /s/ Michael D. Wilson



DECLARATION REGARDING ATTORNEYS' FEES

AND COSTS; EXHIBITS IN THE DISTRICT COURT OF THE CIRCUIT	
DIVISION STATE OF HAWAI'I	
Plaintiff	
	Reserved for Court Use Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address and Telephone Number
DECLARATION REGARDING A	ATTORNEYS' FEES AND COSTS
I am the attorney for the prevailing party, and I request an award all that apply]:	of attorneys' fees pursuant to Hawai'i Revised Statutes [check
□ § 607-14 (assumpsit); □ § 521-35 (residential rental agree	ement); Commercial lease agreement;
□ § 514B-157 (condominium association); □ § 421J-10 (pla	nned community association) □ Other statute §
The amount of the judgment (principal and interest) is anticipate	d to be \$
I. ATTORNEYS' FEES (Select A or B)*	
*PLEASE NOTE: In addition to completing section A or B be time spent on the action and to be spent to obtain a final written performed, and the total fees requested.	· · · · · · · · · · · · · · · · · · ·
☐ A. Fee Based on an Hourly Rate.	
I have expended and am likely to expend to obtain a final judgm	ent the following hours at the rate specified below.
Hours: x Hourly Rate: \$	
	Total Fees = \$
☐ B. Fee Based on an Agreed-Upon Fee (Explain the fee ag	reement below).
The attorneys' fees incurred in this action are not based on an ho	urly rate. The agreed-upon fee is \$
	TOTAL FEES REQUESTED: \$
	SEE PAGE 2

DECLARATION REGARDING ATTORNEYS' FEES AND COSTS (continued)

II. OTHER COSTS	
I request an award of costs for actual disk 54(d) and Hawai'i Revised Statutes [chec	pursements itemized below pursuant to District Court Rules of Civil Procedure Rule ck all that apply]:
□ §607-9;	□ Other [specify statute]: §
I have attached as Exhibit 2 true copies of	f invoices and/or receipts for the requested costs.
*PLEASE NOTE: Do not include filing reflected on the Judgment form but do not	g fees, service costs or mileage in your request for other costs. Those costs should be ot require additional court approval.
<u>Item</u>	Amount Requested
	TOTAL OTHER COSTS REQUESTED: \$
I DECLARE UNDER PENALTY OF	LAW THAT THE FOREGOING IS TRUE AND CORRECT.
	Signature of Declarant:
Date: For Court Use Only:	Print/Type Name:
	ORDER
Approved and so Ordered: A	attorney's Fees: \$; Other Costs: \$
accommodation for a disability	ns with Disabilities Act and other applicable state and federal laws, if you require an when working with a court program, service, or activity, please contact the District Court E NO, FAX, or TTY at least ten (10) working days before your nent date.
	se call or visit the District Court Service Center at

(Rev. 1/23/2018) Form#_DC02

COMPLAINT FOR RETURN OF PERSONAL PROPERTY (REPLEVIN); SUMMONS

(KEI EE VIII), SCHINIONS	1	
IN THE DISTRICT COURT OF THE CIRCUIT DIVISION		
STATE OF HAWAI'I		
Plaintiff		
	Reserved for Court Use	
	Civil No.	
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number	
	LAINT AL PROPERTY (REPLEVIN)	
1. This Court has jurisdiction over this matter and venue is proj	per.	
 2. Plaintiff seeks the following relief: [check box that applies] □ Return of personal property that is NOT leased or rented. (Common law replevin; Hawai'i Revised Statutes §604-5(a)) □ Return of leased or rented personal property valued at \$5,000 or less. (Hawai'i Revised Statutes §604-6.1) □ Replevin pursuant to the Uniform Commercial Code. Plaintiff is the □ Buyer or □ Lessee of goods identified in a commercial contract and after reasonable effort has been unable to effect cover for the goods or the circumstances reasonably indicate that the effort will be unavailing. (Hawai'i Revised Statutes §\$490:2-716(3) and 490:2A-521(c)) □ Replevin pursuant to the Uniform Commercial Code. Plaintiff is the secured party and has the right to take possession after default. (Hawai'i Revised Statutes §490:9-609(b)(1)) □ Pursuant to Hawai'i Revised Statutes - Chapter 654 - Immediate Possession of Personal Property (BOND ATTACHED) 		
3 Defendant holds the personal property described below again	nst the rights of Plaintiff.	
4. Before filing this action Plaintiff demanded that Defendant turn over possession of the personal property, but Defendant refused and still refuses to turn over the personal property to Plaintiff.		
5. Plaintiff asks for a Judgment and Writ of Replevin awarding alternative, for a Judgment in the amount of the property's va		
6. In addition, the Court may award costs, interest, and reasona	ble attorney's fees, as allowed by statute. SEE PAGE 2	
	I certify that this is a full, true, and correct copy of the original on file in this office.	
	Clerk District Court of the above Circuit State of Hawai'i	

DESCRIPTION	PERSONAL PROPERTY SERIAL # OR OTHER ID MARK V	VALUE
TOTAL VALUE OF PROPERT	SY	
	Signature of Filing Party/Attorney:	
Date:	Print/Type Name:	
	DECLARATION	
I DECLARE UNDER PENAL CORRECT.	LTY OF LAW THAT WHAT IS STATED IN THE COMPLAINT IS TRUE A	AND
	Signature of Declarant:	
Date:	Print/Type Name:	
accommodation for a d Administration Office a proceeding, hearing, or	Americans with Disabilities Act and other applicable state and federal laws, if you require a lisability when working with a court program, service, or activity, please contact the District at PHONE NO, FAX, or TTY at least ten (10) working day appointment date. ters, please call or visit the District Court Service Center at	Court ys before your

(Rev. 1/23/2018) Form #_DC10

COUNTERCLAIM; CERTIFICATE OF SERVICE; DECLARATION

IN THE DISTRICT COUR'	T OF THE CIRCUIT DIVISION	
STATE OF		
Plaintiff		
		Reserved for Court Use
		Civil No.
Defendant		Defendant/Defendant's Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone number
		1 and (1 approact), 1 actor, 1 crop actor named
	COUNTE	RCLAIM
1. On or about(Attach continuation page, if nec	, Plaintiff owed mone	y to Defendant as follows:
(Attach continuation page, if nec	Assary).	
In addition, the court may award	l court costs, interest and reasonable	·
I certify that a copy of this Counter	CERTIFICATE relaim was served on the Opposing P	C OF SERVICE Party or their attorney on (date)
by \square Hand-delivery or \square Mail at the following address:		
	Signature of Defendant/Defendant	's Attorney:
Date:	Print/Type Name:	
	DECLAF	RATION
I have read this Counterclaim, know the contents and verify that the statements are true to my personal knowledge and belief. I DECLARE UNDER PENALTY OF LAW THAT THE ABOVE IS TRUE AND CORRECT.		
	Signature of Declarant:	
Date:	Print/Type Name:	
In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO.		
		I certify that this is a full, true, and correct copy of the original on filed in this office.
	· ·	

Clerk, District Court of the above Circuit, State of Hawai'i

EX PARTE MOTION FOR □ DISCONTINUANCE OF ORDER FOR EXAMINATION AND/OR □ RECALL OF BENCH WARRANT; ORDER; CERTIFICATE OF SERVICE

IN THE DISTRICT COUR	FOF THE CIRCUIT DIVISION	
STATE OF		
Plaintiff		
		Reserved for Court Use
		Civil No.
Defendant		Filing Party/Attorney (Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number
List name of Person to be examine Person having failed to appear:	d or	Filing date of Motion for Order for Examination:
EX	X PARTE MOTION FOR □ DIS EXAMINATION AND/OR □ R	CONTINUANCE OF ORDER FOR ECALL OF BENCH WARRANT
Judgment Debtor(s)/Person Ha	ving Knowledge and/or □ to rec	ed Order for Examination or Order for Examination on call Bench Warrant ordered one Bench Warrant number is
CERTIFICATE OF SERVICE I certify that I served the Judgment Debtor(s), Person Having Knowledge, or their Attorney on (date) by Hand-delivery or Mail at the following address:		
	Signature of Filing Party/Attorney:	:
Date:	Print/Type Name:	
2 4461	Approved and So Ordered:	
Date:	Judge	
In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO, FAX, or TTY at least ten (10) working days before your proceeding, hearing, or appointment date. For Civil-related matters, please call or visit the District Court Service Center at		
		I certify that this is a full, true, and correct copy of the original on filed in this office.
		Clerk District Court of the above Circuit State of Hawai'i

(Rev. 1/23/2018) Form#_DC19

□ SATISFACTION OF JUDGMENT AND/OR □ RELEASE OF GARNISHEE(S)	Form#_DC48
IN THE DISTRICT COURT OF THECIRCUIT DIVISION	
STATE OF HAWAI'I	
Plaintiff	
	Reserved for Court Use
	Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number
Name of Garnishee to be released:	Date Garnishee Summons Order Granted: (If none, date of Garnishee Summons)
	OF JUDGMENT AND/OR OF GARNISHEE
The undersigned acknowledges full satisfaction and payment of the J	UDGMENT in the above-entitled case.
☐ Release of Garnishee as stated above.	
CERTIFICA	TE OF SERVICE
I certify that I served the \square Opposing party or attorney and/or \square Ga \square Mail, at the following address:	rnishee on (date) by Hand-delivery or
Signature of Filing Party/Filing l	Party Attorney:
Date: Print/Type Name:	
for a disability when working with a court program, serve PHONE NO, FAX, or TTY appointment date.	nd other applicable state and federal laws, if you require an accommodation rice, or activity, please contact the District Court Administration Office at at least ten (10) working days before your proceeding, hearing, or visit the District Court Service Center at

I certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawai'i

Form#_DC48 (Rev. 1/23/2018)

SUMMONS Form #_DC50

IN THE DISTRICT COURT	OF THE CIRCUIT	
STATE OF	DIVISION	
Plaintiff		
		Reserved for Court Use
		Civil No.
Defendant		Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number
	SUMN	MONS
THE STATE OF HAWAI'I:		
TO: The Director of Public Safety of the State of Hawai'i:	of the State of Hawai'i, the Director	e's deputy, or any police officer or other person authorized by the laws
This Summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge permits, in writing on this Summons, personal delivery during those hours.		
TO THE DEFENDANT:		
You are required to file a written answer or appear before the District Judge of this Court, in the Judge's Courtroom, on the day and at the time designated by the checked box on page 2. If the Defendant is a corporation or limited liability company, Hawai'i law requires it to be represented by an attorney licensed to practice in the State of Hawai'i.		
IF YOU OR YOUR ATTORNEY FAIL TO ATTEND THE COURT HEARING AT THE TIME AND PLACE DESIGNATED OR FILE A WRITTEN ANSWER A DEFAULT JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.		
NOTICE TO PARTIES:		
Date:	Clerk	

SEE PAGE 2

COURT ADDRESSES AND RETURNABLE DAYS:	
Mailing ad	Idress for the Courts:
	In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at
5	PHONE NO, FAX, or TTY at least ten (10) working days before your proceeding, hearing, or appointment date.
	For all Civil-related matters, please call or visit the District Court Service Center at

WRIT OF REPLEVIN Form #_DC55 IN THE DISTRICT COURT OF THE **CIRCUIT DIVISION** STATE OF HAWAI'I Plaintiff Reserved for Court Use Civil No. Defendant Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number WRIT OF REPLEVIN THE STATE OF HAWAI'I: TO: The Director of Public Safety of the State of Hawai'i, the Director's deputy, or any police officer or other person authorized by the laws of the State of Hawai'i. Plaintiff, on , 20 obtained Judgment for return of personal property against Defendant for the items described as follows: PERSONAL PROPERTY OF PLAINTIFF **DESCRIPTION** SERIAL # OR OTHER ID MARK **VALUE** (if applicable) NOW, YOU ARE COMMANDED TO REPOSSESS the above items from Defendant and put Plaintiff in full possession of those items and file with the Court proof of execution of the writ. Date: Judge

SEE PAGE 2

I certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawai'i

(Rev. 1/23/2018) Form #_DC55

EXECUTION OF WRIT		
I am authorized by Hawai'i law to serve this Writ and I executed this Writ on the following person:		
at		
on		
	Signature of Serving Officer:	
Date:	Print/Type Name:	
E	In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO, FAX, or TTY at least ten (10) working days before your proceeding, hearing, or appointment date.	

(Rev. 1/23/2018) Form #_DC55

EX PARTE MOTION TO STAY EXECUTION OF WRIT OF POSSESSION: DECLARATION: ORDER

OT TOSSESSION, DECEMENTION, ORDER	
IN THE DISTRICT COURT OF THE CIRCUIT DIVISION STATE OF HAWAI'I	
Plaintiff	
	Reserved for Court Use
	Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number
EX PARTE MOTION TO OF WRIT OF	
Filing Party requests that this Motion be granted for the reasons stated Rules of the District Courts of the State of Hawai'i, Rule District Court Rules of Civil Procedure, Rule Hawai'i Revised Statutes §	; ;
DECLA	RATION
1. I am	
	To all and the China
	I certify that this is a full, true, and correct copy of the original on filed in this office.
	Clerk, District Court of the above Circuit, State of Hawai'i

3. I believe that the Writ of Posses	ssion should be stayed because:	
 □ I did not receive proper written notice from my landlord giving me the correct amount of days to correct the problem. □ My landlord claims non-payment of rent, but I have proof that I have paid the rent. □ My landlord refused to accept my payment □ I have valid defenses/reasons. Explain below. 		
Please use the following lines for y	our explanations:	
I DECLADE UNDER PENALTY	Y OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.	
T DECLARE UNDER TENALT	Signature of Declarant:	
Date:	Print/Type Name:	
	CERTIFICATE OF SERVICE	
I □ mailed or □ hand-delivered a following address:	copy of this Motion to my landlord or their attorney on (date) at the	
Reserved for Court Use COURT ORDER		
This Motion is: GRANTED DENIED PARTIALLY GRANTED as follows:		
Date:	Judge	
for a disability when y	Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation working with a court program, service, or activity, please contact the District Court Administration Office at 21, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or	

Page 2 of 2 Form #_DC16

JUDGMENT FOR RETURN OF PERSONAL PROPERTY (REPLEVIN)

IN THE DISTRICT COURT OF THECIRCUIT DIVISION	
STATE OF HAWAI'I	
Plaintiff	
	Reserved for Court Use
	Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number
Court Date Writ Was Ordered:	
JUDGMENT FOR RETURN OF PE	RSONAL PROPERTY (REPLEVIN)
IT IS ORDERED, ADJUDGED, AND DECREED that Judgment	for Return of Personal Property for Plaintiff is entered as follows:
1. Plaintiff is entitled to possession of the property as described in the	he Complaint.
2. A WRIT OF REPLEVIN against Defendant shall be issued upon presentation by Plaintiff to the Court.	
Date: Judge In accordance with the Americans with Disabilities A	Act and other applicable state and federal laws, if you require an
accommodation for a disability when working with a c	court program, service, or activity, please contact the District Court, or TTY at least ten (10) working days before
	I certify that this is a full, true and correct copy of the original on file in this office.
	Clerk District Court of the above Circuit State of Hawai'i

(1/23/2018) Form#_DC56

IN THE DISTRICT COURT OF THE CIRCUIT DIVISION	
STATE OF HAWAI'I	
Plaintiff	
	Reserved for Court Use
	Civil No.
Defendant	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number
Premises Address:	
COMPLAINT FOR EJECTMENT	
 This Court has jurisdiction over this matter and venue is proper. The premises is located in this division of this Court. Plaintiff is the owner or the agent for the owner of the premises. □ Defendant is in possession of the premises without legal authority or permission. If title was obtained through a non-judicial foreclosure action: □ Plaintiff did not initiate the non-judicial foreclosure action. □ Plaintiff did initiate the non-judicial foreclosure action and acquired title at auction as the highest bidder. Plaintiff asserts that the sale of the property was conducted in a manner that was fair, reasonably diligent, in good faith, and the price at auction was an adequate price. □ If a written notice to vacate was given to Defendant a copy is attached. The Servicemembers Civil Relief Act, 50 U.S.C. App §501 may apply to a Defendant who is classified active duty as defined in the Act. Please check all that apply. □ To the best of my knowledge, the Defendant is not a member of the military. □ The following Defendant is an active duty member of the military. Name □ I am unable to determine whether the Defendant is an active duty member of the military. Please attach a separate page indicating what attempts were made to determine Defendant's military status. 	
	SEE PAGE 2

Clerk, District Court of the above Circuit, State of Hawa

COMPLAINT (continued)		
Plaintiff is asking the Court for	the following:	
A. A Judgment giving Plaintiff po	ossession of the premises.	
B. A Writ of Possession directing	the Sheriff or serving officer to:	
	e premises and all persons possessing the premises through Defendant; all personal belongings of Defendant and of any other person; and	
3. Put Plaintiff in possession o		
C. Judgment against Defendant fo	or \$	
In addition, the Court may award	other damages, court costs, interest, and reasonable attorney's fees, as allowed by statute.	
	Signature of Plaintiff/Attorney:	
Date:	Print/Type Name:	
	DECLARATION	
I DECLARE UNDER PEN	ALTY OF LAW THAT WHAT IS STATED IN THE COMPLAINT IS TRUE AND CORRECT.	
	Signature of Declarant:	
Date:	Print/Type Name:	
accommodation for a d Administration Office proceeding, hearing, or	Americans with Disabilities Act and other applicable state and federal laws, if you require an disability when working with a court program, service, or activity, please contact the District Court at PHONE NO, FAX, or TTY at least ten (10) working days before your rappointment date. Itters, please call or visit the District Court Service Center at	

(1/23/2018) Form#_DC57