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SCRU-12-0000592

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the

Rules of the Small Claims Division
of the District Courts

ORDER AMENDING RULE 3(b) OF THE RULES OF THE
SMALL CLAIMS DIVISION OF THE DISTRICT COURTS

(By Recktenwald CJ, Nakayama McKenna, Polack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rule 3(b) of the Rules of the Small Claims Division of the District Courts is amended, effective July 1, 2020 as follows (new material is underscored):

Rule 3. NOTICE AND SERVICE.

(a) **Notice.** Upon filing of a statement of claim, the clerk shall forthwith sign and issue a notice, which shall contain a notification to the defendant that upon failure to attend at the time and place designated in the notice, judgment by default will be rendered.

(b) **Hearing date.** The date set for the hearing shall be not less than 5 nor more than 30 days from the date of filing of the action, unless otherwise ordered by the court.

(c) **Service.** The notice and the statement of claim shall be served by a person authorized to serve process, or by registered or certified mail with return receipt requested, to be delivered to addressee only. In case of service by mail, the mailing of the papers must be shown under oath or by certification by the clerk on the docket, and a return

receipt must be filed showing delivery to the addressee within the circuit. Personal service and return thereof may be made in the manner prescribed for cases in the district courts.

(d) **Time of service.** Every original notice issued out of a court not served 48 hours before the date of hearing specified in the notice shall be returned to the court for reissue.

DATED: Honolulu, Hawai'i, April 29, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

