

**Electronically Filed  
FIRST CIRCUIT  
1CSP-20-0000082  
13-APR-2021  
10:49 AM  
Dkt. 143 DOC**

SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

In the Matter of the	)	SP. No. 1CSP-20-0000082
	)	(Special Proceeding)
	)	
CIRCUIT COURT OF THE FIRST	)	AMENDED EMERGENCY ORDER #9
CIRCUIT’S RESPONSE TO COVID-19	)	REGARDING FORECLOSURE CASES
OUTBREAK	)	FILED IN THE CIRCUIT COURT OF
	)	THE FIRST CIRCUIT
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**AMENDED EMERGENCY ORDER #9 REGARDING FORECLOSURE CASES  
FILED IN THE CIRCUIT COURT OF THE FIRST CIRCUIT**

This matter comes before the Court in light of the public health emergency in the State of Hawai‘i and pertains to court ordered public sales of property pursuant to Hawai‘i Revised Statutes Section 667-20 for foreclosure cases filed in the First Circuit Court of the State of Hawai‘i.

To further protect the health and safety of First Circuit Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed as of

April 12, 2021 under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. Public sales of property ordered to be sold pursuant to chapter 667 of the Hawai'i Revised Statutes (HRS) may resume effective April 19, 2021.

2. Foreclosure auctions shall be conducted following social distancing and face covering guidelines as recommended by the Centers for Disease Control and Prevention (“CDC”). Auction participants and observers must maintain a six-foot physical distance separation and must wear a mask over their nose and mouth (unless a participant or observer has a disability and cannot wear a mask or cannot safely wear a mask, for reasons related to the disability). If, in the commissioner’s discretion, it would be imprudent or unsafe to conduct a public auction, the commissioner may postpone the auction in accordance with the requirements of HRS § 667-20.1.

3. Open houses may resume effective April 19, 2021 with no more than ten (10) people in a dwelling at a time. All open house participants must follow CDC social distancing and mask requirements as described in paragraph 2 above. If a commissioner determines, in his or her discretion, that it would be imprudent or unsafe to conduct an open house in-person, then the party who obtained a decree of foreclosure may file a motion for instructions or for permission to sell the subject property without open houses.

4. No person shall participate in an auction or open house if they: (1) have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19; (2) have had close prolonged contact with a person who has or is suspected to

have COVID-19; or (3) have traveled outside of Hawai'i in the ten (10) days prior to the auction or open house and have not satisfied the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

4. This Order may be modified as circumstances warrant, but absent further action this Order shall remain in effect. This Order also does not otherwise affect parties' obligations to comply with the Hawai'i Supreme Court's Order Regarding Foreclosure or Non-Judicial Foreclosure Related Actions: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Foreclosures, as extended, filed under SCMF-20-0000152.

It is so Ordered.

DATED: Honolulu, Hawai'i, April 13, 2021 .

/s/ R. Mark Browning



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Hon. R. Mark Browning, Chief Judge  
First Circuit Court, State of Hawai'i