

Name of agency/organization: _____

Contact person/phone/email: [REDACTED] _____

Thank you for taking the time to answer these questions.

1. In your experience, how prevalent is the issue of squatting and adverse possession?

Prevalent

2. In what communities and districts do squatting and adverse possession appear most prominent?

Kailua-kona

3. When you receive notice or a complaint about these situations, what is your normal course of action?

This situation often occurs with foreclosed properties. For court-appointed commissioners, who are vested with legal and equitable ownership via court order to sell and preserve the property, the normal course of action is to call the police; however, my experience is that the police are reluctant to make any arrests or charge the squatters of a crime as they feel they don't have sufficient evidence to charge the squatters. For instance, in one situation when police were shown the court order, police stated that since the squatters claimed they had documentation from the bank that they had permission to occupy the property, the police felt it was a "she said, he said" situation so did not make an arrest. The most they did was to give the squatters a warning that if they trespassed on the property again, they would be charged.

4. What kinds of complications have arisen in the past that have prevented a successful resolution of the situation?

See above. Also sometimes it is hard to catch the trespassers at the property so it's difficult for the police to catch them.

5. For those situations that have been successfully resolved, please describe what happened.

6. What happens when you contact or try to contact the owner of record?

7. What solutions would you recommend?

If the judiciary could meet with police to discuss this situation and educate the police about how a commissioner in foreclosure cases is the legal owner at least until the property is sold: this would at least start a dialogue going as to how these issues can best be resolved.

8. Are there any other comments you would like to make?

Thank you for exploring and addressing this issue.