SENATE RESOLUTION

REQUESTING THE BUREAU OF CONVEYANCES TO ALLOW A DEFENDANT TO
FILE A SATISFACTION OF JUDGMENT.

1   WHEREAS, the Department of Land and Natural Resources,
2 through the Bureau of Conveyances, is responsible for creating
3 rules for the recordation of title documents, including court-
4 issued judgments; and
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6   WHEREAS, under section 636-3, Hawaii Revised Statutes, when
7 a court enters judgment and a defendant is required to submit
8 payment to the plaintiff, it is the plaintiff's responsibility
9 to execute, acknowledge, and deliver to the defendant a
10 satisfaction of the judgment, which may be recorded in the
11 Bureau of Conveyances; and
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13   WHEREAS, if the plaintiff fails to execute, acknowledge,
14 and deliver a satisfaction of judgment to the defendant, and the
15 judgment is not recorded as being paid, it may remain as a lien
16 against the defendant; and
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18   WHEREAS, the plaintiff's failure to acknowledge a
19 satisfaction of judgment despite payment may result in negative
20 consequences for a defendant; and
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22   WHEREAS, the statute states that "when any such judgment is
23 fully paid, the creditor or creditor's attorney of record in the
24 action shall, at the expense of the debtor, execute,
25 acknowledge, and deliver to the debtor a satisfaction thereof,
26 which may be recorded in the bureau [of conveyances]"; and
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28   WHEREAS, this language can credibly be interpreted as
29 allowing either party to record the satisfaction of judgment;
30 now, therefore,
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32   BE IT RESOLVED by the Senate of the Twenty-third
33 Legislature of the State of Hawaii, Regular Session of 2006,
34 that the Department of Land and Natural Resources and the Bureau
35 of Conveyances are requested to change their procedures to allow
36 a defendant to record proof of satisfaction of a judgment as

1 evidence in the records system that a judgment has been paid;
2 and
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4   BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Department of Land and Natural
6 Resources and the Registrar of the Bureau of Conveyances.
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                       OFFERED BY: _____