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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 502-33, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§502-33 Identification of reference to registration of**  
4 **original.** The registrar shall not record any instrument  
5 requiring a reference to a prior recorded instrument, unless the  
6 [~~same~~] instrument to be recorded contains a reference to the  
7 book and page or document number of the registration of the  
8 original recorded instrument or a statement that the original  
9 instrument is unrecorded[~~, as the case may be~~]. Except as  
10 otherwise provided, every judgment shall contain or have  
11 endorsed on it the State of Hawaii general excise taxpayer  
12 identification number, the federal employer identification  
13 number, or the last four digits only of the social security  
14 number for persons, corporations, partnerships, or other  
15 entities against whom the judgment is rendered. If the judgment  
16 debtor has no social security number, State of Hawaii general  
17 excise taxpayer identification number, or federal employer

1 identification number, or if that information is not in the  
2 possession of the party seeking registration of the judgment,  
3 the judgment shall be accompanied by a certificate that provides  
4 that the information does not exist or is not in the possession  
5 of the party seeking registration of the judgment. Failure to  
6 disclose or disclosure of an incorrect social security number,  
7 State of Hawaii general excise taxpayer identification number,  
8 or federal employer identification number shall not in any way  
9 adversely affect or impair the lien created upon registration of  
10 the judgment. No amendment, continuation statement, termination  
11 statement, statement of assignment, or statement of release  
12 relating to security interests in goods which are or are to  
13 become fixtures shall be filed unless it complies with the  
14 requirements of part 5 of Article 9 of the Uniform Commercial  
15 Code. This section does not apply to any document mentioned  
16 herein executed prior to April 13, 1915."

17 SECTION 2. Section 502-41, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§502-41 Certificate of acknowledgment; natural persons,**  
20 **corporations.** Except as otherwise provided by sections 502-50  
21 to 502-52, to entitle any conveyance or other instrument to be  
22 recorded there shall be endorsed, subjoined, or attached thereto

1 an acknowledgment in the form provided or authorized in any of  
2 sections 502-42, 502-43, or 502-45, or in substantially the  
3 following form:

4 (Begin in all cases by a caption specifying the state or  
5 territory and the place where the acknowledgment is taken.)

6 1. In the case of natural persons acting in their own  
7 right:

8 On .....(insert date), before me personally appeared  
9 A.B. (or A.B. and C.D.), to me known to be the person or persons  
10 described in and who executed the foregoing instrument, and  
11 acknowledged that the person or persons executed the same as the  
12 person's or persons' free act and deed.

13 2. In the case of natural persons acting by attorney:

14 On .....(insert date), before me personally appeared  
15 A.B., to me known to be the person who executed the foregoing  
16 instrument in behalf of C.D. and acknowledged that the person  
17 executed the same as the free act and deed of said C.D.

18 3. In the case of corporations or partnerships:

19 On .....(insert date), before me appeared A.B., to  
20 me personally known, who, being by me duly sworn (or affirmed),  
21 did say that the person is the president (or other officer,  
22 partner, or agent of the corporation, or partnership) of

1 (describing the corporation or partnership), and that the  
2 instrument was signed in behalf of the corporation (or  
3 partnership) by authority of its board of directors (partners or  
4 trustees), and A.B. acknowledged the instrument to be the free  
5 act and deed of the corporation (or partnership).

6 4. In the case of a corporation acknowledging by an  
7 individual as its attorney, where the enabling power of attorney  
8 has previously been recorded, the acknowledgment of the  
9 instrument executed under the power of attorney shall be  
10 substantially in the following form:

11 On .....(insert date), before me personally appeared  
12 A.B., to me personally known, who being by me duly sworn (or  
13 affirmed), did say that the person is the attorney-in-fact of  
14 C.D. (here name the corporation) duly appointed under power of  
15 attorney dated ....., recorded in book...., at  
16 page..../as document no.....; and that the foregoing instrument  
17 was executed in the name and behalf of said C.D. by A.B. as its  
18 attorney-in-fact; and A.B. acknowledged the instrument to be the  
19 free act and deed of C.D.

20 [~~In case~~] When the enabling power of attorney has not  
21 previously been recorded, omit the reference to its place of

1 record and insert in lieu thereof the words "which power of  
2 attorney is now in full force and effect".

3 5. In the case of a corporation acknowledging by another  
4 corporation as its attorney, where the enabling power of  
5 attorney has previously been recorded, the acknowledgment of the  
6 instrument executed under the power of attorney shall be  
7 substantially in the following form:

8 On .....(insert date), before me personally appeared  
9 A.B., to me personally known, who, being by me duly sworn (or  
10 affirmed), did say that the person is the president (or other  
11 officer or agent of the corporation acting as attorney) of C.D.  
12 (here name the corporation acting as attorney) and that C.D. is  
13 the attorney-in-fact of E.F. (here name the corporation in whose  
14 behalf the attorney is acting) duly appointed under power of  
15 attorney dated ....., recorded in book....., at  
16 page..../as document no.....; that the foregoing instrument was  
17 executed in the name and behalf of E.F. by C.D. as its attorney-  
18 in-fact; that the instrument was so executed by C.D. by  
19 authority of its board of directors; and A.B. acknowledged the  
20 instrument to be the free act and deed of E.F.

21 [~~In case~~] When the enabling power of attorney has not  
22 previously been recorded, omit the reference to its place of

1 record and insert in lieu thereof the words "which power of  
2 attorney is now in full force and effect".

3 6. The following form may be used in lieu of any of the  
4 foregoing forms:

5 On .....(insert date), before me personally appeared  
6 A.B. (or A.B. and C.D.), to me personally known, who, being by  
7 me duly sworn (or affirmed), did say that such person executed  
8 the foregoing instrument as the free act and deed of such  
9 person, and if applicable in the capacity shown, having been  
10 duly authorized to execute such instrument in such capacity.

11 In all cases add signature and title of the officer taking  
12 the acknowledgment."

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2009.

**Report Title:**

Property; DLNR; Recording; Housekeeping

**Description:**

Makes housekeeping amendments to section 502-33, HRS, relating to the circumstances under which an instrument requiring a reference to a prior recorded instrument may be recorded, and to section 502-41, HRS, relating to certificate of acknowledgement for instruments filed with the DLNR. (SD1)