

JAN 23 2009

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 502-41, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§502-41 Certificate of acknowledgment; natural persons,
4 corporations. Except as otherwise provided by sections 502-50
5 to 502-52, to entitle any conveyance or other instrument to be
6 recorded there shall be endorsed, subjoined, or attached thereto
7 an acknowledgment in the form provided or authorized in any of
8 sections 502-42, 502-43, or 502-45, or in substantially the
9 following form:

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

12 1. In the case of natural persons acting in their own
13 right:

14 On(insert date), before me personally appeared
15 A.B. (or A.B. and C.D.), to me known to be the person or persons
16 described in and who executed the foregoing instrument, and



1 acknowledged that the person or persons executed the same as the
2 person's or persons' free act and deed.

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

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

8 3. In the case of corporations or partnerships:

9 On(insert date), before me appeared A.B., to
10 me personally known, who, being by me duly sworn (or affirmed),
11 did say that the person is the president (or other officer,
12 partner, or agent of the corporation, or partnership) of
13 (describing the corporation or partnership), and that the
14 instrument was signed in behalf of the corporation (or
15 partnership) by authority of its board of directors (partners or
16 trustees), and A.B. acknowledged the instrument to be the free
17 act and deed of the corporation (or partnership).

18 4. In the case of a corporation acknowledging by an
19 individual as its attorney, where the enabling power of attorney
20 has previously been recorded, the acknowledgment of the
21 instrument executed under the power of attorney shall be
22 substantially in the following form:



1 On(insert date), before me personally appeared
 2 A.B., to me personally known, who being by me duly sworn (or
 3 affirmed), did say that the person is the attorney-in-fact of
 4 C.D. (here name the corporation) duly appointed under power of
 5 attorney dated, recorded in book...., at
 6 page.../as document no.; and that the foregoing instrument
 7 was executed in the name and behalf of said C.D. by A.B. as its
 8 attorney-in-fact; and A.B. acknowledged the instrument to be the
 9 free act and deed of C.D.

10 [~~In case~~] When the enabling power of attorney has not
 11 previously been recorded, omit the reference to its place of
 12 record and insert in lieu thereof the words "which power of
 13 attorney is now in full force and effect".

14 5. In the case of a corporation acknowledging by another
 15 corporation as its attorney, where the enabling power of
 16 attorney has previously been recorded, the acknowledgment of the
 17 instrument executed under the power of attorney shall be
 18 substantially in the following form:

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



1 (here name the corporation acting as attorney) and that C.D. is
 2 the attorney-in-fact of E.F. (here name the corporation in whose
 3 behalf the attorney is acting) duly appointed under power of
 4 attorney dated, recorded in book...., at
 5 page..../as document no.; that the foregoing instrument was
 6 executed in the name and behalf of E.F. by C.D. as its attorney-
 7 in-fact; that the instrument was so executed by C.D. by
 8 authority of its board of directors; and A.B. acknowledged the
 9 instrument to be the free act and deed of E.F.

10 [~~In case~~] When the enabling power of attorney has not
 11 previously been recorded, omit the reference to its place of
 12 record and insert in lieu thereof the words "which power of
 13 attorney is now in full force and effect".

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

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



S.B. NO. 637

1 In all cases add signature and title of the officer taking
2 the acknowledgment."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

Bym Hll



Report Title:

Property; DLNR; Proof of Instruments

Description:

Makes housekeeping amendments to section 502-41, HRS, relating to certificates of acknowledgement required for the recording of a conveyance or other instrument.

