



January 29, 2013

TO: HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Representative Angus McKelvey, Chair
Representative Derek Kawakami, Vice Chair

FROM: Daniel Dinell
ARDA – Hawaii, Chair

RE: HB 424, Relating to Timeshare Conveyances
Position: Support

Dear Chair McKelvey, Vice Chair Kawakami and members of the Committee:

The American Resort Development Association (ARDA) Hawaii, the local chapter of the national timeshare trade association, supports H.B. 424 establishing a Hawaii State Timeshare Commissioner of Deeds.

Hawaii law allowed for authentication of real estate documents by a Hawaii State Commissioner of Deeds from 1915 to 1989. The law was repealed because the State had not ever appointed a Commissioner of Deeds. This new bill would reestablish that program to allow for the sale of timeshare units located within Hawaii to take place in international waters and in foreign countries without having to secure approval of a U.S. State Department Consular officer or an apostille, which is a cumbersome and time-consuming process.

The State of Florida has a program on which this legislation is based that allows for appointment by the Governor of Commissioners of Deeds who are able to authenticate real estate transactions occurring in other jurisdictions. This allows for the sale of Florida timeshare interests in Florida projects on cruises and abroad. Florida's program has been in effect since 1998 and has worked well for the timeshare industry in Florida. Commissioners are appointed for specific countries or territories outside the United States or in international waters and may only authenticate documents related to the sale of Florida timeshare properties. The majority of the Commissioners work under the direct supervision of a timeshare company or vacation club.

We believe a similar program will work well to expand the pool of potential timeshare purchasers of Hawaii-based timeshares. The bill before you is a starting point in the discussion of how to move forward. We look forward to hearing the testimony of the other stakeholders today and working with them to improve this bill as it moves through the process. Thank you for the opportunity to submit testimony in support of H.B. 424.

“Timeshare With Aloha”

**Testimony of
Mihoko E. Ito
on behalf of
Wyndham Vacation Ownership**

DATE: January 29, 2013

TO: Representative Angus McKelvey
Chair, Committee on Consumer Protection & Commerce
Submitted Via Capitol Website

RE: **H.B. 424 – Relating to Timeshare Conveyances**
Hearing Date: Wednesday, January 30, 2013 at 2:00 p.m.
Conference Room: 325

Dear Chair McKelvey and Members of the Committee on Consumer Protection & Commerce:

I am Mihoko Ito, testifying on behalf of Wyndham Vacation Ownership.

Wyndham Vacation Ownership offers individual consumers and business-to-business customers a broad suite of hospitality products and services through its portfolio of world-renowned brands. Wyndham has a substantial presence in Hawaii through its Wyndham Vacation Resorts and WorldMark by Wyndham brands.

Wyndham **supports** H.B. 424, which authorizes the Governor to appoint Commissioners of Deeds to take acknowledgments, proofs of execution, or oaths in specified jurisdictions related to the conveyance of time share properties located within the State.

This bill would help streamline the process for consumers who are located abroad and wish to purchase a timeshare property in Hawaii. The Commissioner of Deeds could then take acknowledgements and proofs of execution of the consumer's signature on all necessary paperwork and enable the document to be properly recorded in accordance with Hawaii law.

Thank you for the opportunity to submit testimony on this measure.

Gary M. Slovin
Mihoko E. Ito
Christine Ogawa Karamatsu
Tiffany N. Yajima

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January 29, 2013

Rep. Angus L. McKelvey, Chair
Rep. Derek S. K. Kawakami, Vice Chair
Members of the Committee on Consumer Protection and Commerce
Twenty-Seventh Legislature
Regular Session, 2013

Re: H.B. 424
Hearing on January 30, 2013, 2:00 p.m.
Conference Room 325

Dear Chair, Vice-Chair and Members of the Committee:

My name is Charles Pear. I am a partner with McCorriston Miller Mukai MacKinnon. I was the Editor-in-Chief of the Hawai'i Conveyance Manual II and have personally worked on thousands of deeds, leasehold assignments, mortgages and other recordable documents in Hawai'i. I have also worked with the State and other interested parties in revising Hawai'i's Land Court recording system.

I am present today on behalf of Disney Vacation Development, Inc., a Florida corporation ("DVD"). It is the time share arm of the Walt Disney family of companies.

DVD supports the bill.

Currently, deeds signed outside of the United States must go through a cumbersome, and sometime expensive, process in order to be recorded in Hawai'i. This can prove to be a detriment to Hawai'i property and business. H.B. 424 provides for a person to be appointed as a Commissioner of Deeds, who can authenticate such a document if it is deemed that sufficient assurances exist to reasonably validate the authenticity of the document.

To fulfill this goal, the bill proposes that the State of Hawai'i revive its commissioner of deeds law, formerly chapter 503, HRS, and limit its application to authentication of documents relating to Hawai'i timeshare plans. This limited application will benefit our visitor industry that continues to drive our economic recovery, while minimizing any risk that may exist with broader use.

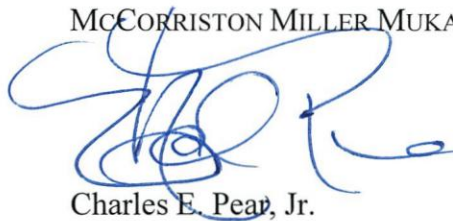
Chair, Vice-Chair and Members,
House Committee on Consumer Protection and Commerce
January 29, 2013
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Florida has adopted a similar law providing for appointment of commissioners of deeds for Florida timeshare plans. The Florida law is very short. A copy is attached as Exhibit A. HRS Chapter 503 is somewhat longer. A copy is attached as Exhibit B. This bill was substantially patterned after HRS Chapter 503, with several updates.

Thank you for your kind consideration of this legislation. I would be happy to take any questions if you think that I may be of assistance.

Very truly yours,

MCCORRISTON MILLER MUKAI MACKINNON LLP

A handwritten signature in blue ink, appearing to read 'Charles E. Pear, Jr.', is written over the typed name. The signature is stylized and cursive.

Charles E. Pear, Jr.