

JAN 20 2017

A BILL FOR AN ACT

RELATING TO LAND COURT REGISTRATION.

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

1 SECTION 1. Section 501-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§501-6 Registrar, deputy registrar, and assistants;
4 appointment, tenure, powers, and duties. The judge of the court
5 shall appoint a registrar, deputy registrar, and [~~such~~]
6 assistants as may be allowed by law. The registrar, deputy
7 registrar, or an assistant shall attend the sessions of the
8 court and keep a docket of all causes, and shall affix the seal
9 of the court to all processes or papers proceeding therefrom,
10 and requiring a seal."

11 SECTION 2. Section 501-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§501-7 Registrar; deputy registrar; powers[7] and duties.
14 The registrar shall be under the direction of the court, and
15 shall have the custody and control of all papers and documents
16 filed with the registrar under this chapter, and shall carefully
17 number and index the same. The papers and documents shall be



1 kept in Honolulu in an office to be called the land registration
2 office, which shall be near the land court. The registrar may,
3 with the sanction of the court, employ [~~such~~] clerks and
4 messengers as [~~are~~] necessary. The deputy registrar shall serve
5 as acting registrar in the absence of the registrar, or in case
6 of a vacancy in that office.

7 Pursuant to section 501-6 and this section, the judge of
8 the court may authorize and empower the registrar and deputy
9 registrar to execute and enter on behalf of the land court,
10 orders issued upon ex parte petitions and uncontested
11 petitions."

12 SECTION 3. Section 501-21, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§501-21 Registration application; by whom made.

15 Application for registration of title may be made by:

16 (1) The persons who claim, singly or collectively, to own
17 the legal estate or easements or rights in land held
18 and possessed in fee simple, either as a whole or as
19 owner or owners of an undivided part;

20 (2) The persons who claim, singly or collectively, to have
21 the power of appointing or disposing of the legal



- 1 estate or easements or rights in land held and
2 possessed in fee simple, either as a whole or as
3 owners of an undivided part;
- 4 (3) Infants and other persons under disability, by their
5 legally appointed guardians;
- 6 (4) A corporation by its proper officer or by an agent
7 duly authorized by the board of directors;
- 8 (5) An unincorporated nonprofit association by a person
9 authorized in a statement of authority recorded in the
10 office of the assistant registrar of the land court or
11 with the registrar of conveyances in the bureau of
12 conveyances;
- 13 (6) Any personal representative duly appointed by the
14 proper probate court, and duly authorized so to do by
15 an order of court. For the purpose of registering
16 title, [such] the representative shall be a trustee of
17 any title registered for the heirs of the estate, and
18 be subject to the decree of distribution of the court
19 of probate; and
- 20 (7) Any political subdivision of the State by its mayor,
21 after resolution duly passed by its council so



1 directing; the State, by the board of land and natural
2 resources; or the government of the United States by
3 any proper officer thereof thereunto duly authorized.

4 The basis for determining the fees payable in the
5 registration of the easements and rights above stated shall,
6 instead of the assessed valuation, be the value of the same as
7 found by the land court, and [~~instead of~~] the fee for
8 examination of title [~~chargeable under section 501-218, the fee~~]
9 shall be the actual amount allowed by the court to the examiner
10 therefor.

11 The provisions relative to the registration and conveyance
12 of registered land shall apply to the registration and
13 conveyance of easements and rights."

14 SECTION 4. Section 501-151, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§501-151 Pending actions, judgments; recording of,**
17 **notice.** No writ of entry, action for partition, or any action
18 affecting the title to real property or the use and occupancy
19 thereof or the buildings thereon, and, except as provided in
20 section 501-82, no judgment, nor any appeal or other proceeding
21 to vacate or reverse any judgment, shall have any effect upon



1 registered land as against persons other than the parties
2 thereto, unless a full memorandum thereof, containing also a
3 reference to the number of the certificate of title of the land
4 affected is filed or recorded and registered. Except as
5 otherwise provided, every judgment shall contain or have
6 endorsed on it the State of Hawaii general excise taxpayer
7 identification number, the federal employer identification
8 number, or the last four digits only of the social security
9 number for persons, corporations, partnerships, or other
10 entities against whom the judgment is rendered. If the judgment
11 debtor has no social security number, State of Hawaii general
12 excise taxpayer identification number, or federal employer
13 identification number, or if that information is not in the
14 possession of the party seeking registration of the judgment,
15 the judgment shall be accompanied by a certificate that provides
16 that the information does not exist or is not in the possession
17 of the party seeking registration of the judgment. Failure to
18 disclose or disclosure of an incorrect social security number,
19 State of Hawaii general excise taxpayer identification number,
20 or federal employer identification number shall not in any way
21 adversely affect or impair the lien created upon recording of



1 the judgment. This section does not apply to attachments,
2 levies of execution, or to proceedings for the probate of wills,
3 or for administration in a probate court; provided that in case
4 notice of the pendency of the action has been duly registered it
5 is sufficient to register the judgment in the action within
6 sixty days after the rendition thereof.

7 As used in this chapter "judgment" includes an order or
8 decree having the effect of a judgment.

9 Notice of the pendency of an action in a United States
10 District Court, as well as a court of the State of Hawaii, may
11 be recorded.

12 Notice of opening a dispute resolution case as provided in
13 section 667-79 may be recorded.

14 Foreclosure notice as provided in section 667-23 may be
15 recorded.

16 The party seeking registration of a judgment shall redact
17 the first five digits of any social security number by blocking
18 the numbers out on the copy of the judgment to be filed or
19 recorded."

20 SECTION 5. Section 501-218, Hawaii Revised Statutes, is
21 amended to read as follows:



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1 "§501-218 [~~Schedule of fees,~~] Fees; authority to amend.

2 ~~[(a) The fees payable under this chapter are as follows:~~

3 ~~(1) For every application filed pursuant to this chapter,~~
4 ~~including indexing and recording the application, and~~
5 ~~transmitting to registrar, when filed with assistant~~
6 ~~registrar, \$3;~~

7 ~~(2) For every plan filed, \$1;~~

8 ~~(3) For examining title, \$10 and two tenths of one per~~
9 ~~cent of the assessed value of the land and~~
10 ~~improvements on the basis of the last assessment for~~
11 ~~taxation, or the value of the land as determined under~~
12 ~~section 501-211 when the land was not separately~~
13 ~~assessed;~~

14 ~~(4) For verifying and checking map on the ground, for lots~~
15 ~~of one acre or less, \$25; an addition of \$1 an acre or~~
16 ~~fraction thereof for all area over one acre and up to~~
17 ~~one hundred acres; an addition of 50 cents an acre or~~
18 ~~fraction thereof for all area over one hundred acres~~
19 ~~and up to one thousand acres; an addition of 25 cents~~
20 ~~an acre or fraction thereof for all area over one~~
21 ~~thousand acres;~~



- 1 ~~(5) For checking survey and map as to form and~~
2 ~~mathematical correctness, but not on the ground, \$3 an~~
3 ~~hour;~~
- 4 ~~(6) For approving subdivision of registered land, and for~~
5 ~~checking the form and mathematical correctness, but~~
6 ~~not on the ground, \$3 an hour;~~
- 7 ~~(7) For all services by a sheriff or other police officer~~
8 ~~under this chapter, the same fees as are now provided~~
9 ~~by law for each service;~~
- 10 ~~(8) For each instrument affecting a title not reported in~~
11 ~~applicant's filed abstract of title, \$2;~~
- 12 ~~(9) For filing an amended application, \$1;~~
- 13 ~~(10) For each notice by publication, 25 cents;~~
- 14 ~~(11) For entering any general default, \$1;~~
- 15 ~~(12) For filing any answer, \$1, to be paid by the party~~
16 ~~filing the answer;~~
- 17 ~~(13) For every subpoena, \$1;~~
- 18 ~~(14) For swearing each witness, 10 cents;~~
- 19 ~~(15) For entering any discontinuance, \$1;~~
- 20 ~~(16) For filing notice of appeal, \$30;~~



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- 1 ~~(17) For entry of order dismissing application, or decree~~
- 2 ~~of registration, and sending memorandum to assistant~~
- 3 ~~registrar, \$1;~~
- 4 ~~(18) For copy of decree of registration, \$1;~~
- 5 ~~(19) For filing any petition after original registration,~~
- 6 ~~\$1; an addition of 25 cents for each exhibit attached;~~
- 7 ~~(20) For filing any order after original registration, \$5;~~
- 8 ~~(21) In all cases not expressly provided for by law, the~~
- 9 ~~fees of all public officers for any official duty or~~
- 10 ~~service under this chapter shall be at a rate~~
- 11 ~~established by the court; and~~
- 12 ~~(22) For any application made by or in the name of the~~
- 13 ~~State, or any political subdivision of the State, any~~
- 14 ~~proceedings upon the application or any dealing with~~
- 15 ~~registered land by the State, or any political~~
- 16 ~~subdivision of the State, as owner, no fees shall be~~
- 17 ~~charged.~~

18 ~~(b)]~~ (a) For recordation of the document of which the
 19 United States, State of Hawaii, or any county of the State of
 20 Hawaii, is the grantee, no fees shall be charged.



1 ~~[-(e)]~~ (b) The supreme court, by rule of court, from time
2 to time, may adopt, revise, amend, add to, or eliminate any fees
3 ~~[payable under subsection (a)]~~, or prescribe additional fees as
4 it deems reasonable, for services provided by the office of the
5 registrar of the land court ~~[as may be required under this~~
6 ~~chapter]~~.

7 ~~[-(d)]~~ (c) The department of land and natural resources, by
8 rule adopted pursuant to chapter 91, from time to time, may
9 adopt, revise, amend, add to, or eliminate any fees ~~[payable~~
10 ~~under subsection (a)]~~ for services provided by assistant
11 registrars in the bureau of conveyances under this chapter.

12 ~~[-(e)]~~ (d) The department of accounting and general
13 services, by rule adopted pursuant to chapter 91, from time to
14 time, may adopt, revise, amend, add to, or eliminate any fees
15 ~~[payable under subsection (a)]~~ for services provided by the
16 state land surveyor for checking and processing land court maps
17 and other services ~~[as may be required under this chapter]~~."

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



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1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY: *M. N. M.*
By Request



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Report Title:

Judiciary Package; Land Court; Deputy Registrar; Fees

Description:

Provides for appointment of land court deputy registrar.
Clarifies various land court provisions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

