



**LATE**

## Title Guaranty of Hawaii, Inc.

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February 7, 2017

The Honorable Representative Ryan I. Yamane, Chair  
The Honorable Representative Sam Satoru Kong, Vice Chair  
Members of the House Committee On Water & Land  
Conference Room 325, State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Hearing Date: Wednesday, February 8, 2017 at 9:00 a.m.  
Testimony IN SUPPORT of House Bill 617 Relating To  
Land Recordation

Dear Representative Yamane, Representative Kong, and Members of the House  
Committee On Water & Land:

Thank you for this opportunity to submit testimony IN SUPPORT of House Bill  
617 Relating to Land Recordation. The public purpose served by this Bill is to simplify  
the property descriptions used to describe land that has been deregistered from  
Hawaii's land court system, and lessen the need for costly research to find and report  
the original source title of the land.

Traditionally – and in the case of file plans, by statute – descriptions of  
unregistered “regular” system property contain the name of the ahupuaa or ili, district,  
and island on which the land is located, and data concerning the original title of the land.  
Most descriptions therefore make reference to the original Land Commission Award  
number, Royal Patent number, Grant number, or other original land title information  
applicable to the land.

In 1903, the Torrens Act was passed allowing owners to apply to the land court  
to register their ownership of title (see HRS Chapter 501). The initial map prepared for  
the registration of the land is required to contain the original source title information.  
However, by land court rule, subsequent subdivision maps “shall conform to the  
requirements for a map filed with an original application, eliminating however all  
reference to conveyances from the government from which original title was derived . .  
.” Land Court Rule 104(1), emphasis added. The usual such description for registered  
land, therefore, follows the format of: “Lot X, shown on Map Y, of Application (or  
Consolidation) No. Z.”

By Act 120, 2009 Hawaii Session Laws, the State of Hawaii allowed owners of registered land to "deregister" their land, taking the land out of Chapter 501 going forward and providing for recordation of instruments affecting the land thereafter to be recorded in the regular system under Chapter 502. Since that time, persons in the business of creating legal descriptions of land, including surveyors and title companies, have not reached a consensus as to what is required for the description of deregistered property.

One view is that the requirements of HRS Section 502-17 control and require the re-insertion of "such data concerning the original title of the land as may be known." Finding the information regarding the original land title for the lot often requires research because per the land court rule such information was eliminated from the map. Accordingly, another view is that once the title to the land was registered with the land court, information regarding the original source title was superseded and the necessary information concerning the description of the land (location, size, boundaries, etc.) is captured by the Lot number, Map number, and Application (or Consolidation) number.

The effect of the proposal contained in House Bill 617 is to amend HRS Section 502-17 to change the requirements of the property descriptions for deregistered land. Currently, the need to conduct research and analysis to find the original source title of the land after it has undergone many subdivisions can be time consuming and expensive. It is hoped that the landowner can save this time and expense by being given the option to use the last land court description for the deregistered land.

We appreciate the Committee's consideration of this Bill, and respectfully ask that the Bill be approved.

Thank you again.

Very truly yours,



Lorrin Hirano  
Sr. Vice President & General Counsel



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Members of the House Committee On Water & Land

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Re: Hearing Date: Wednesday, February 8, 2017 at 9:00 a.m.

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Dear Representative Yamane, Representative Kong, and Members of the House Committee On Water & Land:

Thank you for this opportunity to submit testimony IN SUPPORT of House Bill 617 Relating to Land Recordation. In behalf of the Hawaii Land Title Association (HLTA) we support this Bill because its primary purpose serves to simplify property descriptions. Currently formatted to a Lot No., Land Court Map No., and a Land Court Application No. or Consolidation No. Having a deregistered property description described by the name of the ahupuaa or ili, district and island, reference to a Land Commission Award, Royal Patent Grant, Grant Number or other land title information will be time consuming on many levels from a title insurance providers perspective industry wide, and will be quite costly, frustrating and confusing for the consumer or layman who simply wants to sell or refinance their residence especially in an already well established subdivision.

We appreciate the Committee's consideration of this Bill, and respectfully ask that the Bill be approved. Thank you again for this opportunity, and your time.

Sincerely and Respectively,

Harry Kanehailua – HLTA President



Representative Ryan Yamane, Chair  
Hawaii State Capitol, [Room 420](#)  
[415 South Beretania St.](#)  
[Honolulu, HI 96813](#)

Representative Sam Kong, Vice Chair

Committee on Water and Land

From: Kendall Hee, LPLS

Date: Tuesday, February 7, 2017

Subject: Opposition for HB 617 Relating to Land Recordation

Honorable Representative Ryan Yamane, Chair,

Thank you for allowing my testimony against HB 617,

HB 617 attempts to supplement the Land Court Deregistration legislation by requiring Land Surveyors at time of subsequent subdivision to bring forth original land titles, owner information and other title information. This information should be done at the time of deregistration and part of the deregistration process. The cost of this information should be bore by the owner of the property being deregistered as that entity is probably making a financial decision to deregister the land and therefore should factor in the cost to bring forth this information, instead of passing the buck to the poor subsequent owners.

Currently, the bill would require this information to be duplicated each and every time the property goes to subdivision versus once when the land is deregistered.

I feel this bill is attached to the incorrect portion of law and will add undue, duplicative burden to anyone with deregistered land.

Thank you for this opportunity to testify. Should you have any questions, I can be reached at 808-591-8116 x216 and will make myself available for questions.

Kendall Hee

Water and Land Committee  
Chair  
Representative Ryan Yamane  
Hawaii State Capitol, Room 420  
415 South Beretania St.  
Honolulu, HI 96813

Andy Harada, Professional Licensed Land Surveyor  
808 492-4814

Wednesday February 8, 2017

Opposition of H.B. 617, Relating to Land Recordation, Deregistered Land

I am a Professional Licensed Land Surveyor with forty six years of experience in land surveying. Licensed to practice in the State of Hawaii since 1987. I am also certified to practice in the Land Court. I worked for the City and County of Honolulu for thirty years, my last position was Survey Branch Chief, Department of Design and Construction, Division of Land Survey and Acquisition. I am currently working for a local Engineering and Surveying company. Affiliations: National Society of Professional Surveyors and Hawaii Association of Lands Surveyors.

I strongly oppose the changes to HRS 502-17. Specifically the addition of *“and”* and *“; or in the case of land deregistered pursuant to chapter 201, part II, the last Lot number, map number, application or consolidation number, and document numbers of the canceled certificate of title and order of deregistration recorded in the bureau of conveyances pursuant to section 501-261;”* in H.B. 617.

All of the items in the addition are included in the document when the deregistered lot is filed with the bureau conveyances, per HRS 501-17. A metes and bounds description and map, with the original land titles, should have been required when filing for deregistration HRS 501-261.

Currently, unregistered land maps and descriptions are filed under 502-17, unregistered land being the lands not within the land court system, registered land. In Hawaiian Land Titles by Robert D. King, he wrote *“Land Court title does not annul or cancel out the original titles derived by a Land Commission Award, a Royal or Land Patent (Grant) or a Kamehameha Deed.”* Thus the underlying original land title(s), covered by the land court, must be used for both mapping and metes and bounds descriptions once a land court lot is deregistered, the same as current unregistered lands.

Perpetuating land court information for deregistered lots, which is now unregistered land should not be included in HRS 502-17, simply because it is now unregistered land.

Sincerely,

**LATE**

Representative Ryan Yamane, Chair  
Representative Sam Kong, Vice Chair  
House Committee on Water and Land

Wednesday, February 8, 2017, 9:00 AM

Opposition to House Bill No. 617 – Relating to Land Recordation

By: Jeffrey Sato, (Phone 368-1514)

I am writing in opposition to House Bill 617. My opposition is based on technical and procedural inadequacies in the House Bill 617, January 20, 2017 version.

I am licensed in the State of Hawaii as both a land surveyor and civil engineer and have worked at two local civil engineering and land surveying firms over the past 28 years. In addition, I am also a Land Court Surveyor. The primary focus of my career has been working with land developers subdividing residential, commercial and industrial land on Oahu.

It seems that the intent of the bill is to provide a paper trail when researching the chain of a parcel's ownership. Therefore, it would be more appropriate for the modification of House Bill 617 to more specifically pertain to HRS 501-261.5 and require owners deregistering a parcel to file a new map and description with the Bureau of Conveyances in accordance with HRS Section 502-17. This map and description should be filed at the time of deregistration.

Maps and descriptions filed pursuant to HRS Section 502-17 may not require any government oversight, hence they are not necessarily checked for completeness, nor accuracy by the State of Hawaii. Therefore, there is no verification of the validity, nor enforcement of the omission of information related to the deregistered lot. HRS 502-17 should be left as it is currently written. Lands that are deregistered should have the underlying Land Title lines verified for accuracy and completeness by a State agency and should be paid for by the party initiating the deregistration of the parcel.

The information regarding the the last lot number, map number, application, or consolidation number and document number of the canceled certificate of title will be listed on the deregistration document recorded at the Bureau of Conveyance, so including that information on maps and descriptions prepared by land surveyors would be redundant.

It is for these reasons that I am opposed to the current version of House Bill 617. I do not feel it is specific enough to achieve its intentions, and it needs to yet address procedural deficiencies in order to properly serve the public. Thank you for allowing me the opportunity to comment on this bill.

**LATE**

**Representative Ryan Yamane, Chair  
Water and Land Committee  
HB 617**

**Regarding House Bill 617**

By Joanne Williamson,  
(808) 436-6725

February 8, 2017  
9:00 AM

My name is Joanne Williamson. I am a Hawaii Licensed Professional Land Surveyor, and certified to practice surveying for the Land Court. I have been a part of the surveying profession for the past twenty-five (25) years. I am affiliated with the Hawaii Land Surveyors Association and serve as the Hawaii Director of the National Society for Professional Surveyors.

I **oppose** House Bill 617, being the proposed Legislation relating to Land Recordation, Deregistered Land.

Surveyors are tasked with writing property descriptions based on their professional expertise in discerning the boundaries, as well as identifying land title, of the land being described. The surveying profession requires a working knowledge of Hawaiian land history as well as current legislation and regulatory processes regarding land.

Currently, Hawaii land titles are either 1. Regular system lands described and mapped by original land titles or 2. lands registered in Land Court and mapped and described as prescribed by Land Court rules. In my opinion **lands should be described completely and appropriately based on either of these two categories**. Hence I **oppose HB617**, which effectively makes a third category of land description for “deregistered land”. Deregistration information alone **is not sufficient to convey the entirety of land title which has, by the process of deregistration, become now become part of the regular system\*** This includes maintaining the complex association with original implicit rights carried with the original land titles. **Once the land is no longer in Land Court, it is part of the regular system and should be fully described in accordance with HRS 502-17.**

*\* (Per Robert D. King, Territorial Surveyor and Principle Cadastral Engineer, in “Hawaiian Land Titles,” 1950, “a Land Court Title does not annul or cancel out the original titles derived by a Land Commission award, a Royal or Land Patent (grant) or a Kamehameha Deed, as a matter of convenience, however, all lands registered in the Land Court are referred to by their application number.”)*

One unintended consequence of 2011 deregistration legislation (HRS 501 Part II) is that there is no provision for remapping or description of the lands based on the regular system conventions once they are deregistered. This unfairly **places the burden on surveyors hired by land owners subsequent to deregistration, to remap the regular system land in order to apply for subdivision. A metes and bounds description should be made part of the deregistration requirements.**



Going forward, as 'deregistered lands' are further subdivided and developed, use of the 'deregistration information' (HRS section 501-261.5, ) as a land title, the proposed legislation HB 617 will serve to completely disassociate the deregistered land from the original land title, whether konohiki land, kuleana land, other award or title, or a later grant. It is easily foreseeable that ***deregistration will be a tool of developers to exploit and circumvent the kuleana rights or and native rights tied to regular system lands.*** The ramifications of using land court deregistration as a means to 'quiet title', and start identifying hawaii lands as a 'blank slate' once deregistered, is not in line with current conventions of land descriptions.

Thank you for your time.

Sincerely,

Joanne Williamson, LPLS 10,555

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Testimony IN SUPPORT of House Bill 617 Relating To Land Recordation

Dear Representative Yamane, Representative Kong, and Members of the House  
Committee On Water & Land:

Aloha Chair Yamane and Members of the Committee. My name is Willard Haraguchi. I am a lifelong resident of downtown Honolulu. I have worked in the title insurance industry for more than 40 years. I have had the opportunity to review and testify on bills in the past. This bill may seem small compared to some of the significant challenges faced by the legislature, and I applaud your efforts to address the most difficult issues confronted by our state. Please support this bill as it will help ensure the orderly, timely, and cost-effective delivery of title documents in certain situations, as well as provide cost savings for the consumer. Mahalo nui for your consideration. Please support HB 617.

Thank you for the Opportunity  
Yours truly,

Willard Haraguchi  
60 N. Beretania St 204  
Honolulu, Hawaii 96817