
A BILL FOR AN ACT

RELATING TO LAND RECORDATION.

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

1 SECTION 1. In 2009, because of the overwhelming volume of
2 timeshare transactions, the legislature enacted Act 120, Session
3 Laws of Hawaii 2009, to remove fee simple timeshare transactions
4 from the land court. In 2013, the legislature provided for the
5 voluntary deregistration of fee simple, non-timeshare land.

6 The land court provides a systemic and logical process for
7 the mapping and indexing of land and the recording of
8 transactions and encumbrances on land titles, such as
9 mortgagees, liens, leases, claims, and taxes. The land court
10 system, however, was designed to process single, consecutive
11 ownership interests and not multiple, simultaneous interests in
12 a single parcel of land. An unanticipated consequence of the
13 enacted legislation is that there are no clear requirements or
14 standards for the mapping and describing of deregistered lands.

15 The purpose of this Act is to clarify the data requirements
16 for land recordation in the bureau of conveyances for
17 transactions that do not involve time shares, condominiums,



1 planned communities, or deregistration of an undivided interest
2 in registered land to require submission of a map and
3 description of the relevant land prepared by a licensed
4 professional surveyor.

5 SECTION 2. Section 501-261.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 " ~~[+] §501-261.5 [.]~~ **Deregistration of registered land other**
8 **than fee time share interests.** ~~[The]~~ (a) To deregister land
9 under this chapter, the registered owner of the fee interest in
10 registered land [may] shall submit [a written request] the
11 following to the assistant registrar [to deregister the land
12 under this chapter.] :

13 (1) ~~[Any]~~ A written request [for deregistration shall
14 include] to deregister the registered land, proof of
15 title insurance in the amount of the value of the land
16 to be deregistered, and a written waiver of all claims
17 against the State relating to the title to the land
18 arising after the date of deregistration[-]; and

19 (2) A plan of the parcel or parcels sought to be
20 deregistered that includes a map and description
21 prepared by a licensed professional surveyor prepared



1 pursuant to sections 502-17, 502-18, and 502-19;

2 provided that a plan shall not be required for:

3 (A) Deregistration of land that is part of a
4 condominium property regime subject to chapter
5 514B, a time share plan subject to chapter 514E,
6 or a planned community subject to chapter 421J;
7 or

8 (B) Deregistration of the undivided interest in
9 registered land.

10 ~~[(2)]~~ (b) Upon [presentation to the assistant registrar of
11 ~~a written request for deregistration by the registered owner of~~
12 ~~the fee interest in registered land,]~~ satisfactory submission of
13 the documents required pursuant to subsection (a), the assistant
14 registrar shall [not register the same, but shall:] refer the
15 map and description of the parcel or parcels sought to be
16 deregistered to the state land surveyor in the department of
17 accounting and general services for approval after being checked
18 as to form and mathematical correctness but not on the ground.

19 (c) Upon notification of approval by the state land
20 surveyor, the assistant registrar shall:



1 ~~[(A)]~~ (1) Record in the bureau of conveyances,
2 pursuant to chapter 502, the current certificate of
3 title for the fee interest in the registered land;
4 provided that prior thereto, the assistant registrar
5 shall note on the certificate of title all documents
6 and instruments that have been accepted for
7 registration and that have not yet been noted on the
8 certificate of title for the registered land;
9 ~~[(B)]~~ (2) Record in the bureau of conveyances,
10 pursuant to chapter 502, the written request for
11 deregistration presented to the assistant registrar
12 for filing or recording~~[-. The request]~~, which shall
13 be recorded immediately after the certificate or
14 certificates of title; and
15 ~~[(C)]~~ (3) Cancel the certificate of title~~[-]~~; and
16 (4) Record in the bureau of conveyances, pursuant to
17 chapter 502, a plan of the parcel or parcels sought to
18 be deregistered, prepared pursuant to sections 502-17,
19 502-18, and 502-19.
20 ~~[(3)]~~ (d) The ~~[registrar or]~~ assistant registrar shall
21 note the recordation and cancellation of the certificate of



1 title in the registration book and in the records of the
2 application for registration of the land that is the subject of
3 the certificate of title. The notation shall state [~~the~~]:

4 (1) The bureau of conveyances document number for the
5 certificate of title [~~se~~] recorded [~~the~~];

6 (2) The certificate of title number[~~7~~]; and [~~the~~]

7 (3) The land court application number[~~7~~] or consolidation
8 number, map number, and lot number for the land that
9 is the subject of the certificate of title [~~se~~]
10 recorded.

11 [~~4~~] (e) The assistant registrar shall transmit the
12 notation of the recordation and cancellation to the registrar of
13 the land court and state land surveyor.

14 (f) No order of court shall be required prior to or in
15 connection with the performance of any of the foregoing
16 actions."

17 SECTION 3. Section 502-11, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§502-11 Entry record.** The registrar shall make and keep
20 in such form and manner as is prescribed by the board of land
21 and natural resources a permanent record of the receipt of every



1 deed and instrument left for record, every copy left as a
2 caution, [~~and~~] every plan filed, every plan of the parcel or
3 parcels of land deregistered pursuant to section 501-261.5, and
4 shall note on the record, in addition to a description
5 sufficient to identify the document and the date and time of its
6 receipt, [~~such~~] other facts as are prescribed by the board of
7 land and natural resources. Every [~~such~~] document shall be
8 considered as recorded at the time [~~so~~] noted."

9 SECTION 4. Section 502-17, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsections (a) and (b) to read:

12 "(a) The registrar shall accept and file in the
13 registrar's office, upon the payment of the fee as provided in
14 section 502-25, any plan of land prepared in the manner
15 prescribed by this section. Every [~~such~~] plan shall contain
16 [a]:

17 (1) A short name of the tract; [~~the~~]

18 (2) The name of the ahupuaa or ili, district, and island;

19 [~~such data~~]



- 1 (3) Data concerning the original title of the land as may
- 2 be known, together with the name of the last owner of
- 3 record and the owner's address; [~~the~~]
- 4 (4) The signature and address of the licensed professional
- 5 surveyor [~~and the surveyor's address~~]; [~~the~~]
- 6 (5) The signature and address of the maker [~~and the~~
- 7 maker's address];
- 8 (6) The date of survey, scale, the meridian line, area,
- 9 the true azimuths and lengths of principal lines; [~~and~~
- 10 ~~the~~]
- 11 (7) The names of all known adjoining owners[-]; and
- 12 (8) If the land is deregistered pursuant to chapter 501,
- 13 part II:
- 14 (A) A map and description prepared by a licensed
- 15 professional surveyor of the parcel or parcels of
- 16 land deregistered; and
- 17 (B) An application or consolidation number and
- 18 document numbers of the canceled certificate of
- 19 title.

20 One or more durable monuments shall be placed on the land which

21 shall connect with the government triangulation system and which



1 monuments shall be placed as indicated on the plan. Whenever
2 the land platted is made up of more than one original title, it
3 shall be necessary to show all original title lines in broken
4 lines as follows:

5

6 (b) The plan shall first be referred to the department of
7 accounting and general services of the State which shall cause
8 the same to be checked as to form and mathematical correctness
9 but not on the ground. If the plan is drawn in accordance with
10 this section and sections 502-18 and 502-19, the department
11 shall indorse its approval of the plan on the face thereof,
12 after which the plan may be filed of record. The department
13 shall withhold approval of any plan until satisfied that the
14 surveyor and maker of the plan is a [~~registered~~] licensed
15 professional surveyor."

16 2. By amending subsection (d) to read:

17 "(d) On receipt for recordation of a transfer or separate
18 description document concerning a lot in a subdivision, the
19 registrar shall accept and file the document with:

20 (1) A metes and bounds description, either solely or as
21 part of the document;



- 1 (2) A county certified plat map; and
- 2 (3) A letter from a [~~registered~~] licensed professional
- 3 surveyor, certifying that the metes and bounds
- 4 description conforms to the accompanying plat map.

5 The document shall otherwise comply with the requirements
6 for recordation under this section. Any parcel created or
7 subdivided prior to the effective date of the subdivision laws
8 of the respective counties are exempt from the provisions of
9 this subsection."

10 SECTION 5. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Land Recordation; Bureau of Conveyances; Deregistered Land

Description:

Requires submission of a map and description of the relevant land prepared by a licensed surveyor along with an application for the voluntary deregistration of land from the Land Court and recordation of title in the Bureau of Conveyances. Exempts transactions that involve time shares, condominiums, planned communities, or deregistration of an undivided interest in registered land. (SB898 HD1)

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

