

---

---

## A BILL FOR AN ACT

RELATING TO LAND RECORDATION.

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

1           SECTION 1. The legislature finds that due to an  
2 overwhelming volume of timeshare transactions, Act 120, Session  
3 Laws of Hawaii 2009, was enacted to remove fee simple timeshare  
4 transactions from the land court. The legislature subsequently  
5 provided for the voluntary deregistration of fee simple, non-  
6 timeshare land through the enactment of Act 119, Session Laws of  
7 Hawaii 2013.

8           The legislature finds that the land court provides a  
9 systematic and logical process for the mapping and indexing of  
10 land and the recording of transactions and encumbrances on land  
11 titles, including mortgages, liens, leases, claims, and taxes.  
12 However, the legislature also finds that the land court system  
13 was designed to process single, consecutive ownership interests  
14 and not multiple, simultaneous interest in a single parcel of  
15 land. An unanticipated consequence of Act 120, Session Laws of  
16 Hawaii 2009, and Act 119, Session Laws of Hawaii 2013, is that



# H.B. NO. 1877

1 there are no clear requirements or standards for mapping and  
2 describing of deregistered lands.

3 Accordingly, the purpose of this Act is to clarify the data  
4 requirements for land recordation by the bureau of conveyances  
5 on land deregistered by the land court, other than fee simple  
6 time share interests, to require a plan that includes a map and  
7 description prepared by a licensed professional surveyor.

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

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

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



1       ~~(2) Upon presentation to the assistant registrar of a~~  
2       ~~written request for deregistration by the registered~~  
3       ~~owner of the fee interest in registered land, the~~  
4       ~~assistant registrar shall not register the same, but~~  
5       ~~shall-]; and~~

6       (2) A plan of the parcel or parcels sought to be  
7       deregistered that includes a map and description  
8       prepared by a licensed professional surveyor in  
9       accordance with sections 502-17, 502-18, and 502-19.

10       (b) Upon satisfactory submission of the documents required  
11 pursuant to subsection (a), the assistant registrar shall refer  
12 for approval by the state land surveyor of the department of  
13 accounting and general services the map and description of the  
14 parcel or parcels sought to be deregistered; provided that the  
15 assistant registrar shall verify the form and mathematical  
16 correctness of the map and description prior to referring them  
17 to the state land surveyor.

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

20       ~~[-A-]~~ (1) Record in the bureau of conveyances, pursuant to  
21       chapter 502, the current certificate of title for the



# H.B. NO. 1877

1 fee interest in the registered land; provided that  
 2 prior thereto, the assistant registrar shall note on  
 3 the certificate of title all documents and instruments  
 4 that have been accepted for registration and that have  
 5 not yet been noted on the certificate of title for the  
 6 registered land;

7 ~~[(B)]~~ (2) Record in the bureau of conveyances, pursuant to  
 8 chapter 502, the written request for deregistration  
 9 presented to the assistant registrar for filing or  
 10 recording~~[-. The request]~~; provided that the written  
 11 request for deregistration shall be recorded  
 12 immediately after the certificate or certificates of  
 13 title; ~~and~~

14 ~~[(C)]~~ (3) Cancel the certificate of title~~[-]~~; and

15 (4) Record in the bureau of conveyances, pursuant to  
 16 chapter 502, a plan of the parcel or parcels sought to  
 17 be deregistered; provided that any plan shall be  
 18 prepared in accordance with sections 502-17, 502-18,  
 19 and 502-19.

20 ~~[(3) The registrar or]~~ (d) The 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 [~~bureau~~]:

5 (1) Bureau of conveyances document number for the  
6 certificate of title [sø] recorded[~~, the certificate~~];

7 (2) Certificate of title number[~~, and the land~~]; and

8 (3) Land court application or consolidation number, map  
9 number, and lot number for the land that is the  
10 subject of the certificate of title [sø] 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 the 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 actions.

16 (g) As used in this section, "registered land" shall not  
17 include an undivided interest in the land unless the undivided  
18 interest represents all of the remaining registered interest in  
19 the land."

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



1           "**§502-11 Entry record.** The registrar shall make and keep  
2 in such form and manner as is prescribed by the board of land  
3 and natural resources a permanent record of the receipt of every  
4 [~~deed~~]:

5           (1) Deed and instrument left for record[~~, every copy~~];

6           (2) Copy left as a caution[~~, and every plan~~];

7           (3) Plan filed[~~7~~]; and

8           (4) Plan of the parcel or parcels of land deregistered  
9           pursuant to section 501-261.5;

10 provided that the registrar shall note on the record, in  
11 addition to a description sufficient to identify the document  
12 and the date and time of its receipt, [~~such~~] any other facts as  
13 [~~are~~] prescribed by the board of land and natural resources.  
14 Every [~~such~~] document shall be considered as recorded at the  
15 time [~~so~~] noted."

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

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

19           "(a) The registrar shall accept and file in the  
20 registrar's office, upon the payment of the fee as provided in  
21 section 502-25, any plan of land prepared in the manner



1 prescribed by this section. Every [~~such~~] plan shall contain  
2 [~~a~~]:

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

4 (2) The name of the ahupuaa or ili, district, and island;  
5 [~~such data~~]

6 (3) Data concerning the original title of the land as may  
7 be known, together with the name of the last owner of  
8 record and the owner's address; [~~the~~]

9 (4) The signature of the surveyor and the surveyor's  
10 address; [~~the~~]

11 (5) The signature and address of the maker [~~and the~~  
12 maker's address];

13 (6) The date of survey, scale, the meridian line, area,  
14 the true azimuths and lengths of principal lines; [~~and~~  
15 the]

16 (7) The names of all known adjoining owners[~~-~~]; and

17 (8) If the land is deregistered pursuant to part II of  
18 chapter 501:

19 (A) An application or consolidation number;

20 (B) A map number;

21 (C) A lot number; and



1           (D) The document numbers of the canceled certificate  
2                                   of title.

3 One or more durable monuments shall be placed on the land  
4 [~~which~~], shall connect with the government triangulation system,  
5 and [~~which monuments~~] shall be placed as indicated on the  
6 plan[-], unless the land is being deregistered pursuant to part  
7 II of chapter 501. Whenever the land platted is made up of more  
8 than one original title, it shall be necessary to show all  
9 original title lines in broken lines as follows:

10                                   .....

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

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





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

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

6           (2) A county certified plat map[~~+~~and], unless the land is  
7                 being deregistered pursuant to part II of chapter 501;  
8                 and

9           (3) A letter from a [~~registered~~] licensed professional  
10                 surveyor, certifying that the metes and bounds  
11                 description conforms to the accompanying plat map[~~+~~],  
12                 unless the land is being deregistered pursuant to part  
13                 II of chapter 501.

14           The document shall otherwise comply with the requirements  
15 for recordation under this section. Any parcel created or  
16 subdivided prior to the effective date of the subdivision laws  
17 of the respective counties [~~are~~] is exempt from the provisions  
18 of this subsection."

19           SECTION 5. Section 502-18, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           **"§502-18 Description; lot subdivisions.** A metes and  
2 bounds description of the exterior boundaries of the parcel or  
3 parcels of land sought to be registered as a file plan shall be  
4 written upon the plan, or printed or typewritten on unruled good  
5 quality white paper [~~13~~] 11 inches long by 8 1/2 inches wide[~~7~~]  
6 and shall be filed in duplicate with the file plan[~~7~~and]. The  
7 metes and bounds description shall be dated and signed by the  
8 licensed professional surveyor making the field survey, or under  
9 whose supervision the field survey was executed. If the land  
10 sought to be registered as a file plan is being deregistered  
11 pursuant to part II of chapter 501, the metes and bounds  
12 description shall be dated and signed by the licensed  
13 professional surveyor making the file plan, or under whose  
14 supervision the file plan was made. The boundaries of the land  
15 platted shall be described as running from left to right  
16 (clockwise) and the azimuth system shall be used in designating  
17 the courses of the survey with zero or 360 degrees at due South;  
18 90 degrees at due West; 180 degrees at due North; 270 degrees at  
19 due East. Any printed or typewritten description filed  
20 separately with the file plan shall be recorded in the registry  
21 system and the book and page thereof noted on the file plan.



1 Expense of recordation shall be charged to the owner. The  
2 initial point in the description shall clearly show the  
3 connection with the government triangulation system~~[, and all]~~.  
4 All outside corners of the tract shall be substantially marked  
5 by monuments in the ground, where practicable~~[-]~~, unless the  
6 land is being deregistered pursuant to part II of chapter 501.  
7 In all cases where tracts of land are subdivided into lots, with  
8 the intention of conveying separate lots by lot number and  
9 reference to the plat, it is necessary to show the true azimuths  
10 and lengths of all principal lines~~[-]~~ and the lot areas~~[, and~~  
11 ~~a]~~. A sufficient number of durable monuments shall be placed in  
12 the ground so as to accurately identify each lot~~[-]~~, unless the  
13 land is being deregistered pursuant to part II of chapter 501.  
14 Any lands being deregistered pursuant to part II of chapter 501  
15 shall not subdivide or consolidate when registering as a file  
16 plan."

17 SECTION 6. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 7. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

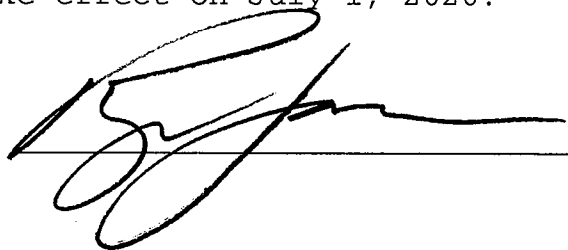


# H.B. NO. 1877

1 SECTION 8. This Act shall take effect on July 1, 2020.

2

INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be a name with a large initial.

JAN 17 2020



# H.B. NO. 1877

**Report Title:**

Property; Land Court Recordation; Deregistration

**Description:**

Clarifies the data requirements for land recordation on land deregistered by the land court other than fee simple time share interests.

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

