
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 Act 120, Session
2 Laws of Hawaii 2009, removed fee simple timeshare transactions
3 from the land court in response to the overwhelming volume of
4 timeshare transactions. Four years later, the legislature
5 provided for the voluntary deregistration of fee simple, non-
6 timeshare land in Act 119, Session Laws of Hawaii 2013.

7 The legislature further finds that the land court provides
8 a systematic and logical process for the mapping and indexing of
9 land, and the recording of transactions and encumbrances on land
10 titles, such as mortgages, liens, leases, claims, and taxes.
11 However, the land court system was designed to process single,
12 consecutive ownership interests and not multiple, simultaneous
13 interests in a single parcel of land. An unanticipated
14 consequence of the legislative acts has been that there are no
15 clear requirements or standards for the mapping and describing
16 of deregistered lands.



1 The purpose of this Act is to clarify the data requirements
2 for land recordation by the bureau of conveyances, on land other
3 than fee simple timeshare interests deregistered by the land
4 court, to include a map and description prepared by a licensed
5 surveyor.

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

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

14 ~~(1) Any written request for deregistration shall include~~
15 ~~proof]:~~

16 (1) A written request to deregister the registered land,
17 proof of title insurance in the amount of the value of
18 the land to be deregistered, and a written waiver of
19 all claims against the State relating to the title to
20 the land arising after the date of deregistration; and



- 1 (2) A plan of the parcel or parcels sought to be
- 2 deregistered that includes a map and description
- 3 prepared by a licensed professional surveyor prepared
- 4 pursuant to sections 502-17, 502-18, and 502-19;
- 5 (3) Proof of title insurance in the amount of the value of
- 6 the land to be deregistered; and [a]
- 7 (4) A written waiver of all claims against the State
- 8 relating to the title to the land arising after the
- 9 date of deregistration.
- 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~~]:
- 15 [~~A~~] (1) Record in the bureau of conveyances,
- 16 pursuant to chapter 502, the current certificate
- 17 of title for the fee interest in the registered
- 18 land; provided that prior thereto, the assistant
- 19 registrar shall note on the certificate of title
- 20 all documents and instruments that have been
- 21 accepted for registration and that have not yet



1 been noted on the certificate of title for the
2 registered land;

3 ~~[(B)]~~ (2) Record in the bureau of conveyances,
4 pursuant to chapter 502, a plan of the parcel or
5 parcels sought to be deregistered, prepared
6 pursuant to sections 502-17, 502-18, and 502-19;

7 (3) 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]~~, which shall be recorded
11 immediately after the certificate or certificates of
12 title; and

13 ~~[(C)]~~ (4) Cancel the certificate of title.

14 ~~[(3)]~~ (c) The ~~[registrar or]~~ assistant registrar shall
15 note the recordation and cancellation of the certificate of
16 title in the registration book and in the records of the
17 application for registration of the land that is the subject of
18 the certificate of title. The notation shall state ~~[the]~~ :

19 (1) The bureau of conveyances document number for the
20 certificate of title ~~[se]~~ recorded~~[-, the]~~ ;

21 (2) The certificate of title number~~[-]~~ ; and ~~[the]~~

1 (3) The land court application number, map number, and lot
2 number for the land that is the subject of the
3 certificate of title [~~se~~] recorded.

4 [~~(4)~~] (d) The assistant registrar shall transmit the
5 notation of the recordation and cancellation to the state land
6 surveyor.

7 (e) No order of court shall be required prior to or in
8 connection with the performance of any of the foregoing
9 actions."

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

12 "**§502-11 Entry record.** The registrar shall make and keep
13 in [~~such~~] a form and manner as is prescribed by the board of
14 land and natural resources a permanent record of the receipt of
15 every deed and instrument left for record, every copy left as a
16 caution, [~~and~~] every plan filed, every plan of the parcel or
17 parcels of land deregistered pursuant to section 501-261.5, and
18 shall note on the record, in addition to a description
19 sufficient to identify the document and the date and time of its
20 receipt, [~~such~~] any other facts [~~as are~~] prescribed by the board



1 of land and natural resources. Every [~~such~~] document shall be
2 considered [~~as~~] recorded at the time [~~se~~] noted."

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

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

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

- 11 (1) A short name of the tract; [~~the~~]
12 (2) The name of the ahupuaa or ili, district, and island;
13 [~~such data~~]
14 (3) Data concerning the original title of the land as may
15 be known, together with the name of the last owner of
16 record and the owner's address; [~~the~~]
17 (4) The signature and address of the licensed professional
18 surveyor [~~and the surveyor's address~~]; [~~the~~]
19 (5) The signature of the maker and the maker's address;



1 (6) The date of survey, scale, the meridian line, area,
2 the true azimuths and lengths of principal lines; [~~and~~
3 ~~the~~]

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

5 (8) If the land is deregistered pursuant to chapter 501,
6 part II:

7 (A) A map and description prepared by a licensed
8 professional surveyor of the parcel or parcels of
9 land deregistered; and

10 (B) An application or a consolidation number,
11 document numbers of the cancelled certificate of
12 title, and the order of deregistration.

13 One or more durable monuments shall be placed on the land which
14 shall connect with the government triangulation system and which
15 monuments shall be placed as indicated on the plan. Whenever
16 the land platted is made up of more than one original title, it
17 shall be necessary to show all original title lines in broken
18 lines as follows:

19 (b) The plan shall first be referred to the department of
20 accounting and general services of the State which shall cause
21 the same to be checked as to form and mathematical correctness



1 but not on the ground. If the plan is drawn in accordance with
 2 this section and sections 502-18 and 502-19, the department
 3 shall indorse its approval of the plan on the face thereof,
 4 after which the plan may be filed of record. The department
 5 shall withhold approval of any plan until satisfied that the
 6 surveyor and maker of the plan is a [~~registered~~] licensed
 7 professional surveyor."

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

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

- 12 (1) A metes and bounds description, either solely or as
- 13 part of the document;
- 14 (2) A county certified plat map; and
- 15 (3) A letter from a [~~registered~~] licensed professional
- 16 surveyor, certifying that the metes and bounds
- 17 description conforms to the accompanying plat map.

18 The document shall otherwise comply with the requirements
 19 for recordation under this section. Any parcel created or
 20 subdivided prior to the effective date of the subdivision laws



1 of the respective counties are exempt from the provisions of
2 this subsection."

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

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

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



Report Title:

Land; Bureau of Conveyances; Surveyor; Deregistration

Description:

Specifies that the data requirements for land recordation by the Bureau of Conveyances, on land other than fee simple timeshare interests deregistered by the land court, shall include a map and description prepared by a licensed surveyor. (HB448 HD1)

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

