

JAN 18 2019

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 by the bureau of conveyances, on land other
17 than fee simple time share interests deregistered by the land



1 court, to include a map and description prepared by a licensed
2 professional surveyor.

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

5 " ~~[+] §501-261.5 [.]~~ Deregistration of registered land other
6 than fee time share interests. ~~[The]~~ (a) To deregister land
7 under this chapter, the registered owner of the fee interest in
8 registered land ~~[may]~~ shall submit a written request to the
9 assistant registrar ~~[to deregister the land under this chapter.~~

10 ~~(1) Any written request for deregistration shall include],~~
11 including a plan, a map and description prepared by a licensed
12 professional surveyor of the parcel or parcels of land sought to
13 be deregistered, prepared pursuant to sections 502-17, 502-18,
14 and 502-19, proof of title insurance in the amount of the value
15 of the land to be deregistered, and a written waiver of all
16 claims against the State relating to the title to the land
17 arising after the date of deregistration.

18 ~~[+2)]~~ (b) Upon presentation to the assistant registrar of
19 a written request for deregistration by the registered owner of
20 the fee interest in registered land, the assistant registrar
21 shall ~~[not register the same, but 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, a plan of the parcel or
11 parcels of land sought to be deregistered, prepared
12 pursuant to sections 502-17, 502-18, and 502-19;

13 (3) Record in the bureau of conveyances, pursuant to
14 chapter 502, the written request for deregistration
15 presented to the assistant registrar for filing or
16 recording. The request shall be recorded immediately
17 after the certificate or certificates of title; and

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

19 ~~[(3)]~~ (c) The ~~[registrar or]~~ assistant registrar shall
20 note the recordation and cancellation of the certificate of
21 title in the registration book and in the records of the



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

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

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

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

9 [~~4~~] (d) The assistant registrar shall transmit the
10 notation of the recordation and cancellation to the state land
11 surveyor.

12 (e) No order of court shall be required prior to or in
13 connection with the performance of any of the foregoing
14 actions."

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

17 "§502-11 **Entry record.** The registrar shall make and keep
18 in such form and manner as is prescribed by the board of land
19 and natural resources a permanent record of the receipt of every
20 deed and instrument left for record, every copy left as a
21 caution, [~~and~~] every plan filed, every plan of the parcel or



1 parcels of land deregistered pursuant to section 501-261.5, and
 2 shall note on the record, in addition to a description
 3 sufficient to identify the document and the date and time of its
 4 receipt, such other facts as are prescribed by the board of land
 5 and natural resources. Every such document shall be considered
 6 as recorded at the time so noted."

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

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

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

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

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

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

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



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

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

20

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

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

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

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



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

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2019.

9

INTRODUCED BY: _____

S.B. NO. 818

Report Title:

Land Recordation; land Court; Bureau of Conveyances;
Deregistered Land

Description:

Clarifies requirements for land recordation of deregistered lands by the bureau of conveyances to include a map and description prepared by a licensed professional surveyor.

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