
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 plan of the parcels or parcels sought to be
2 deregistered that includes a map and description prepared by a
3 licensed professional surveyor.

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

6 "[+]§501-261.5[+] Deregistration of registered land other
7 than fee time share interests[-] and undivided interests in land
8 of a condominium. [The] (a) To deregister land under this
9 chapter, the registered owner of the fee interest in registered
10 land [may] shall submit [a written request] the following to the
11 assistant registrar [to deregister the land under this
12 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



1 prepared by a licensed professional surveyor prepared
2 pursuant to sections 502-17, 502-18, and 502-19.

3 [~~2~~] (b) Upon [~~presentation to the assistant registrar of~~
4 ~~a written request for deregistration by the registered owner of~~
5 ~~the fee interest in registered land,~~] satisfactory submission of
6 the documents required pursuant to subsection (a), the assistant
7 registrar shall [~~not register the same, but shall~~] refer the
8 map and description of the parcel or parcels sought to be
9 deregistered to the state land surveyor in the department of
10 accounting and general services for approval after being checked
11 as to form and mathematical correctness but not on the ground.

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

14 [~~A~~] (1) Record in the bureau of conveyances,
15 pursuant to chapter 502, the current certificate of
16 title for the fee interest in the registered land;
17 provided that prior thereto, the assistant registrar
18 shall note on the certificate of title all documents
19 and instruments that have been accepted for
20 registration and that have not yet been noted on the
21 certificate of title for the registered land;



1 [~~(B)~~] (2) Record in the bureau of conveyances,
 2 pursuant to chapter 502, the written request for
 3 deregistration presented to the assistant registrar
 4 for filing or recording [~~The request~~], which shall
 5 be recorded immediately after the certificate or
 6 certificates of title; and

7 [~~(C)~~] (3) Cancel the certificate of title [~~;~~]; and
 8 (4) Record in the bureau of conveyances, pursuant to
 9 chapter 502, a plan of the parcel or parcels sought to
 10 be deregistered, prepared pursuant to sections 502-17,
 11 502-18, and 502-19.

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

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

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

20 (3) The land court application number [~~;~~] or consolidation
 21 number, map number, and lot number for the land that



1 is the subject of the certificate of title [se]
2 recorded.

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

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

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

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



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

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

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

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

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

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

15 (4) The signature and address of the licensed professional
16 surveyor [~~and the surveyor's address~~]; [~~the~~]

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

19 (6) The date of survey, scale, the meridian line, area,
20 the true azimuths and lengths of principal lines; [~~and~~
21 ~~the~~]



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

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

4 (A) A map and description prepared by a licensed
5 professional surveyor of the parcel or parcels of
6 land deregistered; and

7 (B) An application or consolidation number and
8 document numbers of the canceled certificate of
9 title.

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

16

17 (b) The plan shall first be referred to the department of
18 accounting and general services of the State which shall cause
19 the same to be checked as to form and mathematical correctness
20 but not on the ground. If the plan is drawn in accordance with
21 this section and sections 502-18 and 502-19, the department



1 shall indorse its approval of the plan on the face thereof,
2 after which the plan may be filed of record. The department
3 shall withhold approval of any plan until satisfied that the
4 surveyor and maker of the plan is a [~~registered~~] licensed
5 professional surveyor."

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

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

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

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



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

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

6 SECTION 7. This Act shall take effect on July 1, 2019.



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 plan of the parcels or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor.
(SD1)

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