
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 (Act 120), deregistered fee simple time
3 share transactions from the land court system and established a
4 procedure to move these transactions to the regular system in
5 the bureau of conveyances. The legislature further finds that
6 Act 119, Session Laws of Hawaii 2013 (Act 119), provided owners
7 of registered fee non-time share interests with the option to
8 voluntarily deregister such interests from the land court
9 system.

10 The legislature notes that the land court provides a system
11 and logical process for the mapping and indexing of land and the
12 recording of transactions and encumbrances on land titles,
13 including mortgagees, liens, leases, claims, and taxes.
14 However, the land court system was designed to process single,
15 consecutive ownership interest and not multiple, simultaneous
16 interests in a single parcel of land. An unanticipated
17 consequence of Act 120 and Act 119 is that there are no clear



1 requirements or standards for the mapping and describing of
2 designated lands.

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

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

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

17 (1) ~~[Any]~~ A written request [for deregistration shall
18 include] to deregister the registered land, proof of
19 title insurance in the amount of the value of the land
20 to be deregistered, and a written waiver of all claims



1 against the State relating to the title to the land
2 arising after the date of deregistration~~[-]~~; and

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

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

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

18 ~~[(A)]~~ (1) Record in the bureau of conveyances,
19 pursuant to chapter 502, the current certificate of
20 title for the fee interest in the registered land;
21 provided that prior thereto, the assistant registrar



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

1 land and natural resources a permanent record of the receipt of
2 every [~~deed~~];

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

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

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

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

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

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

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

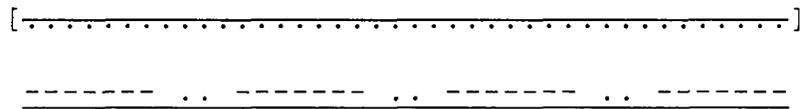
17 "(a) The registrar shall accept and file in the
18 registrar's office, upon the payment of the fee as provided in
19 section 502-25, any plan of land prepared in the manner
20 prescribed by this section. Every [~~such~~] plan shall contain
21 [~~a~~];



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



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



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

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

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

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

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

10 (3) A letter from a ~~[registered]~~ licensed professional
11 surveyor, certifying that the metes and bounds
12 description conforms to the accompanying plat map.

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

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

20 "**§502-18 Description; lot subdivisions.** A metes and
21 bounds description of the exterior boundaries of the parcel or



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



1 connection with the government triangulation system[~~7~~ and all].

2 All outside corners of the tract shall be substantially marked

3 by monuments in the ground, where practicable[~~7~~]; unless the

4 land is being deregistered pursuant to part II of chapter 501.

5 In all cases where tracts of land are subdivided into lots, with

6 the intention of conveying separate lots by lot number and

7 reference to the plat, it is necessary to show the true azimuths

8 and lengths of all principal lines[~~7~~] and the lot areas[~~7~~ and

9 a]. A sufficient number of durable monuments shall be placed in

10 the ground so as to accurately identify each lot[~~7~~], unless the

11 land is being deregistered pursuant to part II of chapter 501.

12 Any lands being deregistered pursuant to part II of chapter 501

13 shall not subdivide or consolidate when registering as a file

14 plan, and only contiguous parcels shall be shown on the same

15 plan."

16 SECTION 6. This Act does not affect rights and duties that

17 matured, penalties that were incurred, and proceedings that were

18 begun before its effective date.

19 SECTION 7. Statutory material to be repealed is bracketed

20 and stricken. New statutory material is underscored.

21 SECTION 8. This Act shall take effect on July 1, 3021.



Report Title:

Land Recordation; Deregistration; Requirements; Land Court;
Bureau of Conveyances

Description:

Amends the data requirements for land recordation by the bureau of conveyances, on land other than fee simple time share interests deregistered by the land court, to include a map and description prepared by a licensed professional surveyor. Effective 7/1/3021. (SD1)

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