

JAN 22 2021

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# 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



# S.B. NO. 472

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



# S.B. NO. 472

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, pursuant to  
19           chapter 502, the current certificate of title for the  
20           fee interest in the registered land; provided that  
21           prior thereto, the assistant registrar shall note on



# S.B. NO. 472

1           the certificate of title all documents and instruments  
2           that have been accepted for registration and that have  
3           not yet been noted on the certificate of title for the  
4           registered land;

5   ~~[(B)]~~ (2) Record in the bureau of conveyances, pursuant to  
6           chapter 502, the written request for deregistration  
7           presented to the assistant registrar for filing or  
8           recording~~[-. The request]~~, which shall be recorded  
9           immediately after the certificate or certificates of  
10          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 sections  
15          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           (1) Bureau of conveyances document number for the  
2           certificate of title [~~se~~] recorded[~~, the certificate~~];  
3           (2) Certificate of title number[~~, and the land~~]; and  
4           (3) Land court application or consolidation number, map  
5           number, and lot number for the land that is the  
6           subject of the certificate of title [~~se~~] recorded.

7           (e) The assistant registrar shall transmit the notation of  
8 the recordation and cancellation of the certificate of title to  
9 the registrar of the land court and state land surveyor.

10          [+4+] (f) No order of court shall be required prior to or  
11 in connection with the performance of any of the foregoing  
12 actions.

13          (g) As used in this section, "registered land" shall not  
14 include the undivided interest in the land unless the undivided  
15 interests represent all of the remaining registered interest in  
16 the land."

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

19          "**§502-11 Entry record.** The registrar shall make and keep  
20 in such form and manner as is prescribed by the board of land



1 and natural resources a permanent record of the receipt of every  
2 [~~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[~~7~~]; 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~~]:



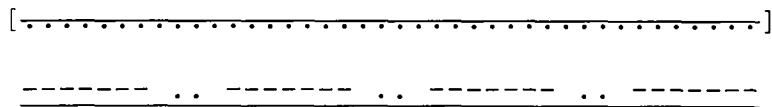
# S.B. NO. 472

- 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 of the surveyor and the surveyor's
- 8                    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                    the true azimuths and lengths of principal lines; [~~and~~
- 13                    ~~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.



# S.B. NO. 472

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[~~er~~], unless the land is being deregistered pursuant to part  
 5 II of chapter 501. Whenever the land platted is made up of more  
 6 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."

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

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

19           "**§502-18 Description; lot subdivisions.** A metes and  
20 bounds description of the exterior boundaries of the parcel or  
21 parcels of land sought to be registered as a file plan shall be



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



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

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

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



# S.B. NO. 472

1 SECTION 8. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: ~~AC~~ AC Smith-Lema



# S.B. NO. 472

**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.

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

