
A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that as communities have
2 grown over time, land has been resold and replanned, resulting
3 in uses that differ from the original plan. This is a
4 particular issue when large lots are sold. The legislature
5 further finds that in cases where a large lot is sold and the
6 use of the land changes, the community should be informed as to
7 the intended use of the land that has been sold.

8 The purpose of this Act is to require that plans and
9 applications for registration of title relating to the purchase
10 of any property consisting of more than ten acres be accompanied
11 by a sworn affidavit that the community where the land is
12 located has been given notice of the applicant's intended use of
13 the land and a copy of the notice.

14 SECTION 2. Chapter 502, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 **"§502- Notice to community; filing. For any plan**
2 consisting of more than ten acres, the parties shall file with
3 the registrar:

4 (1) A sworn affidavit that the parties have provided a
5 notice to the community where the land is located of
6 the intended use of the land; and

7 (2) A copy of the notice provided to the community."

8 SECTION 3. Section 501-23, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§501-23 Application, form, and contents.** The application
11 shall be in writing, signed, and sworn to by the applicant or by
12 some person duly authorized in the applicant's behalf. If there
13 is more than one applicant, the application shall be signed and
14 sworn to by, or in behalf of, each. The application shall
15 contain a description of the land, with a statement of the
16 estate or interest of the applicant in the land. If the
17 application is for more than ten acres of land, the application
18 shall contain an affidavit sworn by the applicant that the
19 community where the land is located has been given notice of the
20 applicant's intended use of the land and a copy of the notice
21 provided to the community. The application shall state whether



1 the applicant is married, and if married, the name in full of
2 the [~~wife or husband,~~] spouse, the time and place of marriage,
3 and the name and office of the officer performing the marriage
4 ceremony; and if unmarried, whether the applicant has been
5 married, and if so, when and how the marriage relation
6 terminated; and if by divorce, when, where, and by what court
7 the divorce was granted. The application shall also state the
8 name in full and the address of the applicant and also the names
9 and addresses of the adjoining owners and occupants, if known;
10 and if not known, the application shall state what search has
11 been made to find them. If the applicant has been known by more
12 than one name, the applicant shall state all of the applicant's
13 names in full. The application may be in form as follows:

14 State of Hawaii.

15 To the Honorable Judge of the Land Court:

16 I (or we), the undersigned, hereby apply to have the land
17 herein described brought under the operation and provisions of
18 chapter 501 of the Hawaii Revised Statutes and to have my (or
19 our) title therein registered and confirmed as an absolute
20 (qualified or possessory) title. And I (or we) declare:



1 (1) That I am (or we are) the owner (or owners) in fee
2 simple of a certain parcel of land, with the buildings
3 (if any, and if not, strike out the clause), situate
4 in (here insert accurate description).

5 (2) That the land at the last assessment for taxation was
6 assessed at....dollars; and the buildings (if any)
7 at....dollars.

8 (3) That I (or we) do not know of any mortgage or
9 encumbrance affecting the land, or that any other
10 person has any estate or interest therein, legal or
11 equitable, in possession, remainder, reversion, or
12 expectancy. (If any, add "other than as follows," and
13 set forth each clearly.)

14 (4) That I (or we) obtained title (if by deed, state name
15 of grantor, date, and place of record, and file the
16 deed, or state reason for not filing. If in any other
17 way, state it).

18 (5) That the land is....occupied (state name in full,
19 residence and post office address of occupant and the
20 nature of the occupancy. If unoccupied, insert
21 "not").



1 (6) That the names in full and addresses as far as known
2 to me (or us) of the occupants of all lands adjoining
3 the land are as follows: (give post office address,
4 street, and number wherever possible. If names not
5 known, state whether inquiry has been made, and what
6 inquiry.)

7 (7) That the names and addresses so far as known to me (or
8 us) of the owners of all lands adjoining above land
9 are as follows: (same directions as above.)

10 (8) That I am (or we are) married (follow literally the
11 directions given in section 501-23.)

12 (9) That my (or our) full name (or names), residence and
13 post office address are as follows:

14 Dated:

15 (Schedule of documents.)

16
17
18 (Signature).

19
20 State of Hawaii } ss.
21



1 Dated:
2 Then personally appeared the above named.....known
3 to me to be the signer (or signers) of the foregoing
4 application, and made oath before me that the statements made
5 therein, so far as made of the signer's (or signers') own
6 knowledge, are true and, so far as made upon information and
7 belief, that the signer (or signers) believes them to be true.
8 , Notary Public."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2050.

12



H.B. NO. 511 H.D. 1

Report Title:

Land Recordation; Requirements; Land Use; Notice

Description:

Requires an applicant seeking to register more than ten acres of land with either the land court or the bureau of conveyances to provide a sworn affidavit that the community where the land is located has been given notice of the applicant's intended use of the land and a copy of the notice. Effective 7/1/2050. (HD1)

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

