

A Bill for an Act Relating to Recording.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 501-84, Hawaii Revised Statutes, is amended to read as follows:

“§501-84 Certificates, when two or more owners. Where two or more persons are registered owners [as tenants in common,] under any tenancy, one certificate [may] shall be issued for the whole land[, or a separate certificate may be issued to each for the owner’s undivided share]. Any conveyance of fee simple interest in registered land shall be recorded with the assistant registrar, who shall note the same on the certificate, cancel all the certificates affecting the whole land, and issue a new certificate to reflect all the owners of the whole land.”

SECTION 2. Section 501-103, Hawaii Revised Statutes, is amended to read as follows:

“§501-103 Conveyances of less than fee simple. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple from the owner or one of the registered owners. All interests in registered land less than an estate in fee simple shall contain a reference to the document number of the interest acquired and shall be registered by [filing or] recording with the assistant registrar the instrument creating or transferring or claiming such interest, and by a brief memorandum thereof made by the assistant registrar upon the certificate of title, and signed by the assistant registrar. The cancellation or extinguishment of such interests shall be [registered] recorded in the same manner.”

SECTION 3. Section 501-106, Hawaii Revised Statutes, is amended to read as follows:

“§501-106 Entry of new certificate. (a) No new certificate of title shall be entered, and no memorandum shall be made upon any certificate of title by the registrar or assistant registrar, except:

- (1) [in] In pursuance of any deed or other voluntary instrument[, or];
- (2) Upon the recording of a certificate of merger that merges two or more condominium projects as provided by section 514A-19;
- (3) Upon the recording of an amendment to a declaration of condominium property regime which alters the percentage interest of the respective apartment owners in the common element;
- (4) [in] In cases expressly provided for in this chapter; or
- (5) [upon] Upon the order of the court, for cause shown. [Whenever such order is made, a memorandum thereof shall be entered on the new certificate of title.]

(b) The new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under the registered owner, in favor of every purchaser for value and in good faith; provided that in all cases of registration procured by fraud the owner may pursue all the owner’s remedies against the parties to the fraud, without prejudice however to the rights of any innocent holder for value of a certificate of title; and provided further that after the transcription of the decree of registration on the original application any subsequent registration

under this chapter procured by the presentation of a forged deed or other instrument, shall be void.”

SECTION 4. Section 501-151, Hawaii Revised Statutes, is amended to read as follows:

“§501-151 Pending actions, judgments; recording of, notice. No writ of entry, action for partition, or any action affecting the title to real property or the use and occupation thereof or the buildings thereon, and no judgment, nor any appeal or other proceeding to vacate or reverse any judgment, shall have any effect upon registered land as against persons other than the parties thereto, unless a full memorandum thereof, containing also a reference to the number of certificate of title of the land affected is filed or recorded and registered. Except as otherwise provided, every judgment shall contain or have endorsed on it the social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number for persons, corporations, partnerships or other entities against whom the judgment is rendered. If the judgment debtor has no social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number, or if that information is not in the possession of the party seeking registration of the judgment, the judgment shall be accompanied by a certificate that provides that the information does not exist or is not in the possession of the party seeking registration of the judgment. Failure to disclose or disclosure of an incorrect social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number shall not in any way adversely affect or impair the lien created upon [registration] recording of the judgment. This section does not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration in a probate court; provided that in case notice of the pendency of the action has been duly registered it is sufficient to register the judgment in the action within sixty days after the rendition thereof.

As used in this chapter “judgment” includes an order or decree having the effect of a judgment.

Notice of the pendency of an action in a United States District Court, as well as a [state] court[,], of the State of Hawaii, may be [filed or] recorded [and registered].”

SECTION 5. Section 501-155, Hawaii Revised Statutes, is amended to read as follows:

“§501-155 Judgment directing conveyance. Any judgment of a court of competent jurisdiction, whether a federal court or a court of the State of Hawaii, affecting title or rights in registered land, may be [registered,] recorded, whether the claim adjudicated was legal or equitable in nature. Every instrument necessary to give effect to the judgment and directed by the court to be executed, whether executed by a party or by some other person appointed by the court, shall be [registered] recorded and shall have full force and effect to bind the land to be affected thereby. A judgment entered in lieu of directing a conveyance, and having the effect of a conveyance, shall be [registered] recorded with like force and effect.”

SECTION 6. Section 514A-19, Hawaii Revised Statutes, is amended to read as follows:

ACT 18

“§514A-19 Merger of increments. (a) Two or more condominium projects, whether or not adjacent to one another, but which are part of the same incremental plan of development and in the same vicinity, may be merged together so as to permit the joint use of the common elements of the projects by all the owners of the apartments in the merged projects. The merger documents may provide for a single association of apartment owners and board of directors for the merged projects and for a sharing of the common expenses of the projects among all the owners of the apartments in the merged projects.

(b) Upon the recording in the office of the assistant registrar of the land court of the State of Hawaii of a certificate of merger that indicates that the fee simple title to the lands of the merged projects are merged, the assistant registrar shall cancel all existing certificates of title for the apartments in the condominium projects being merged and shall issue new certificates of title for the apartments in the merged project, covering all of the land of the merged condominium projects. The new certificates of title for the apartment in the merged condominium project shall describe, among other things, the new undivided interest in the land appertaining to each apartment in the merged condominium projects. The certificate of merger shall at least set forth all of the apartments of the merged condominium projects, their new undivided interest, and their current certificate of title numbers in the common elements of the merged condominium projects.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect sixty days after its approval.

(Approved April 13, 1993.)