

ACT 22

S.B. NO. 1638

A Bill for an Act Relating to Recordation.

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

SECTION 1. Section 501-20, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Signature” means the name of a person as written by the individual or the affixing of a mark or finger or toe print.”

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

“§502- Definitions. As used in this chapter, unless the context otherwise requires:

“Grantee” means a party that acquires interest by way of transfer of real property.

“Record”, “recorded”, or “recording” means the act of entering into the public records the written instruments affecting title to real property.

“Signature” means the name of a person as written by the individual or the affixing of a mark or finger or toe print.”

SECTION 3. Section 501-31, Hawaii Revised Statutes, is amended to read as follows:

“§501-31 Transfers pending application; temporary record; final record. After the filing of an application, and before registration, the land therein described may be dealt with and instruments relating thereto shall be recorded and indexed by the registrar of conveyances in the usual manner and also entered in the index of applications; provided that such instruments shall state that application to register the land is pending and shall state the application number. A certified copy thereof shall be filed with the application. When any such instrument purports to convey the whole or any interest in the land, the original instrument, with the original signature, after recording shall be sent to the land court and filed with the application, whereupon the certified copy may be withdrawn.

As soon as an application is disposed of, the registrar shall make a memorandum stating the disposition of the case and shall send the same to the assistant registrar, who shall record and index it with the records of deeds in the bureau of conveyances, and in the index of applications. If the proceedings upon the application end in a decree of registration of title the land included therein shall, as soon as the decree is transcribed, as provided in section 501-75, become registered land. Thereafter no deeds or other instruments relating solely to such land shall be recorded with the records of deeds, but shall be registered in the registration book and filed or recorded and indexed with the records and documents relating to registered land.”

SECTION 4. Section 501-105, Hawaii Revised Statutes, is amended to read as follows:

“§501-105 Grantee’s address, etc., to be stated. Every deed or other voluntary instrument presented for recording shall contain or have indorsed upon it the full name or names, if more than one, and the address of the grantee or other person acquiring or claiming an interest under the instrument and every [deed] document shall also contain or have indorsed upon it a statement that the grantee is married or unmarried, and if married, the statement shall give the name in full of the husband or wife. Whenever the grantee is a corporation or partnership, the document shall contain or have indorsed upon it the State where the entity is registered and the entity’s address. All names and addresses shall also be entered on all certificates. Notices and processes issued in relation to registered land in pursuance of this chapter may be served upon any person in interest by mailing the same to the address so given, and shall be binding whether such person resides within or without the State.

Any deed conveying one or more but not all lots or all interests in a lot appurtenant to apartments in a condominium property regime in a certificate shall

contain full memoranda relating to easements, rights-of-way, and all other liens and encumbrances affecting the particular lot, lots, interest appurtenant to an apartment, or interests appurtenant to apartments conveyed. If the deed affects all of the land or interests appurtenant to apartments in a certificate of title, encumbrances may be referred to by reference.”

SECTION 5. Section 502-31, Hawaii Revised Statutes, is amended to read as follows:

“**§502-31 Recording, method.** The registrar shall make or cause to be made an entire literal copy of all instruments, with their original signatures, required to be recorded in the registrar’s office, and the registrar, the registrar’s deputy, or clerk shall certify its correspondence with the original, after which the registrar, the registrar’s deputy, or clerk shall certify upon the exterior, or indorse upon the recorded instrument[,] with the original signature, the date of its registry and the document number.

The registrar, for purposes of the general indexes of the bureau of conveyances, shall use the names of the parties as they first appear in the recorded instrument. All names of all natural persons signing in their individual capacity shall be typewritten, stamped, or printed by some other mechanical or electrical printing method beneath all signatures.

The registrar or the registrar’s deputy may refuse to accept for record any document of a size larger than eight and one-half inches by [fourteen] eleven inches, or which contains a schedule or inventory sheet in excess of such size.

This section shall apply to all instruments presented for recording in the bureau of conveyances, unless otherwise provided by rules adopted by the department of land and natural resources, pursuant to chapter 91.

[On all] All instruments to be recorded shall include the original signature and the top three and one-half inches of space of the first page shall be reserved for recording information for the assistant registrar on the left half of such space, and for the registrar of conveyances on the right half of such space. The following one inch of space shall be reserved for information showing to whom the document should be returned[.] beginning one and one-half inch from the left margin and not exceeding three and one-half inches per line. In addition, the first page shall identify and include, if possible, all names of the grantors and all names and addresses of the grantees, the type of document, and the tax map key number. Each page of the instrument shall be single-sided sheets of written text. No papers or materials, written or otherwise, shall be secured or attached to a page in any manner that may conceal any other written text. If an instrument consists of more than one page, it shall be stapled once in the upper left corner. The registrar of conveyances shall be permitted to remove any rivets affixed to any instrument. The registrar may refuse to accept all instruments, papers, or notices presented for recordation that will not reproduce legibly under photographic or electrostatic methods.”

SECTION 6. Section 502-47, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The proof or acknowledgment of any deed or other instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without the United States may be made by:

- (1) Any officer now authorized thereto by the laws of the State;
- (2) Any officer of the United States diplomatic or consular service, resident in any foreign country or port, when certified by him under his seal of office; and

- (3) Any person authorized by the law of any foreign country to take such acknowledgment or proof, when such acknowledgment or proof is accompanied by a certificate to the effect that the person taking the same is duly authorized thereto and that such acknowledgment or proof is in the manner prescribed by the laws of the foreign country[.] or by treaty or international agreement of the United States. The certificate may be made by a diplomatic or consular officer of the United States under the seal of his office, or by a diplomatic or consular officer of the foreign country, resident in the State, under the seal of his office[.] with the signature or facsimile of the signature of the diplomatic or consular officer of the United States.

For the purposes of this section diplomatic or consular officer includes any minister, consul, vice-consul, charge d'affaires, consular, or commercial agent, or vice-consular or vice-commercial agent.''

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved April 20, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.