

A Bill for an Act Relating to Land Court.

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

SECTION 1. Section 501-108, Hawaii Revised Statutes, is amended to read as follows:

“§501-108 Conveyance of fee; procedure. (a) An owner desiring to convey in fee registered land or any portion thereof shall execute a deed of conveyance, which the grantor or the grantee may present to the assistant registrar in the bureau of conveyances; provided that no deed, mortgage, lease, or other voluntary instrument shall be accepted by the assistant registrar [shall not accept] for registration [any deed, mortgage, lease, or other voluntary instrument,] unless a reference to the number of the certificate of title [and an indorsement of the current certificate of title, if applicable,] of the land affected by such instrument is incorporated in the body of the instrument tendered for registration. If the certificate reference in the instrument is not current, an indorsement of the current certificate of title shall be required.

The assistant registrar shall note upon all instruments filed or recorded concurrently with the recorded instrument the document number and the certificate of title number in the spaces provided therefor wherever required.

The assistant registrar shall thereupon, in accordance with the rules and instructions of the court, make out in the registration book a new certificate of title to the grantee. The assistant registrar shall note upon the original certificate the date of transfer, and a reference by number to the last prior certificate. The original certificate shall be stamped “canceled”. The deed of conveyance shall be filed or recorded and [~~indorsed~~] indorsed with the number and place of registration of the certificate of title of the land conveyed.

(b) On all instruments to be filed or recorded, 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 that space, and for the registrar of conveyances on the right half of that space. The following one inch of space shall be reserved for information showing to whom the document should be returned. 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. [~~Indorsements,] Endorsements, if any, [shall] may be made on a conforming fly sheet. If an instrument consists of more than one page, each page shall be single-sided sheets of written text numbered consecutively, beginning with number one, and shall be stapled once in the upper left corner. No instrument shall have a cover or backer attached. The assistant registrar shall be permitted to remove any rivets affixed to any instrument.~~

(c) All names of all natural persons signing in their individual capacity in the instrument shall be typewritten, stamped, [~~or] legibly printed by hand, or by [some other] a mechanical or electrical printing method beneath all signatures. No discrepancy in any name shall exist between the printed name, as it appears either in the body of the instrument, beneath the signature, or in the notary’s certificate of acknowledgment. The provisions of this subsection shall not apply to any deed or conveyance instrument executed prior to July 1, 1989.~~

(d) The assistant registrar may refuse to file or record any instrument that will not reproduce legibly under photographic or electrostatic methods, or that is of a size larger than eight and one-half inches by [~~fourteen] eleven inches, or that contains a schedule, inventory sheet, or map in excess of that size.”~~

SECTION 2. Section 501-171, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) When the owner of registered land, or of any estate or interest therein, dies, having devised the same by will, the person or persons entitled thereto shall file or record with the assistant registrar of the land court a correct statement of the full names of the devisees, the residence or post office address of each and their marital status and a reference to the number of the certificate of title of the land affected, a certified copy of the letters appointing the personal representative showing the powers of the personal representative, or a certified copy of an acknowledgment of authority, and either a certified copy of an order of the circuit court determining the persons entitled to distribution of the registered land and directing or approving distribution or a deed from the personal representative to the devisee or devisees, and thereupon the assistant registrar shall cancel the certificate issued to the testator, and enter a new certificate to the devisee or devisees. When the owner of registered land or of any estate or interest therein dies, not having devised the same, the persons entitled thereto by law shall file or record with the assistant registrar a correct statement of the full names of the heirs, the residence or post office address of each, and their marital status, a certified copy of the letters appointing the personal representative showing the powers of the personal representative, or a certified copy of an acknowledgment of authority, and either a certified copy of an order of the circuit court in probate proceedings determining the persons entitled to distribution of the registered land and directing or approving distribution or a deed from the personal representative to the heir or heirs, and thereupon the assistant registrar shall cancel the certificate issued to the intestate, and enter a new certificate to the heir or heirs entitled thereto.”

SECTION 3. Section 501-173, Hawaii Revised Statutes, is amended to read as follows:

“**§501-173 Purchaser acquiring title through personal representative may have the same registered.** If any personal representative is authorized by the terms of any will to grant, bargain, sell, convey, mortgage, or otherwise deal with registered land, the personal representative may do so in the same manner as if the land were registered in the representative’s name as personal representative. Before any instrument executed by the personal representative, pursuant to such authority, is filed or recorded with the assistant registrar of the land court, there shall be first filed or recorded with the assistant registrar a certified copy of the letters appointing the personal representative showing the powers of the personal representative, or a certified copy of an order granting the petition for authority, or [an] a certified copy of an acknowledgment of authority, and either a certified copy of the order of the circuit court confirming the sale of the affected land or a certified copy of an affidavit filed in the circuit court of the personal representative made at the time of the deed, mortgage, lease, or other conveyance, attesting that the decedent’s will does not require confirmation of the transaction and that no devisee or heir has demanded the confirmation. Any person who acquired title or any interest in registered land through or by virtue of the execution of the power vested in the personal representative may have the title or interest registered.”

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

SECTION 5. This Act shall take effect upon its approval.

(Approved April 25, 2001.)