

ACT 187

H.B. NO. 244

A Bill for an Act Relating to Land Recordation.

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

SECTION 1. The legislature finds that Act 120, Session Laws of Hawaii 2009 (Act 120), deregistered fee simple time share transactions from the land court system and established a procedure to move these transactions to the regular system in the bureau of conveyances. The legislature further finds that Act 119, Session Laws of Hawaii 2013 (Act 119), provided owners of registered fee non-time share interests with the option to voluntarily deregister such interests from the land court system.

The legislature notes that the land court provides a system and logical process for the mapping and indexing of land and the recording of transactions and encumbrances on land titles, including mortgagees, liens, leases, claims, and taxes. However, the land court system was designed to process single, consecutive ownership interest and not multiple, simultaneous interests in a single parcel of land. An unanticipated consequence of Act 120 and Act 119 is that there are no clear requirements or standards for the mapping and describing of designated lands.

The purpose of this Act is to clarify 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 plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor.

SECTION 2. Section 501-261.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§501-261.5~~]]~~ Deregistration of registered land other than fee time share interests. ~~[The] (a) To deregister land under this chapter, the registered owner of the fee interest in registered land [may] shall submit [a written request] the following to the assistant registrar [to deregister the land under this chapter]:~~

- (1) ~~[Any] A~~ written request ~~[for deregistration shall include] to deregister the registered land,~~ proof of title insurance in the amount of the value of the land to be deregistered, and a written waiver of all claims against the State relating to the title to the land arising after the date of deregistration~~[-]; and~~
- (2) ~~A plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor in accordance with sections 502-17, 502-18, and 502-19.~~

~~[(2)] (b) Upon [presentation to the assistant registrar of a written request for deregistration by the registered owner of the fee interest in registered land,] satisfactory submission of the documents required pursuant to subsection (a), the assistant registrar shall [not register the same, but shall:] refer the map and description of the parcel or parcels sought to be deregistered to the state land surveyor in the department of accounting and general services for approval after being checked as to form and mathematical correctness but not on the ground.~~

(c) Upon notification of approval by the state land surveyor, the assistant registrar shall:

- ~~[(A)]~~ (1) Record in the bureau of conveyances, pursuant to chapter 502, the current certificate of title for the fee interest in the registered land; provided that prior thereto, the assistant registrar shall note on the certificate of title all documents and instruments that have been accepted for registration and that have not yet been noted on the certificate of title for the registered land;
- ~~[(B)]~~ (2) Record in the bureau of conveyances, pursuant to chapter 502, the written request for deregistration presented to the assistant registrar for filing or recording~~[-The request], which~~ shall be recorded immediately after the certificate or certificates of title; ~~[and~~
- ~~[(C)]~~ (3) Cancel the certificate of title~~[-]; and~~
- (4) Record in the bureau of conveyances, pursuant to chapter 502, a plan of the parcel or parcels sought to be deregistered, prepared in accordance with sections 502-17, 502-18, and 502-19.

~~[(3) The registrar or]~~ (d) The assistant registrar shall note the recordation and cancellation of the certificate of title in the registration book and in the records of the application for registration of the land that is the subject of the certificate of title. The notation shall state the [bureau];

- (1) Bureau of conveyances document number for the certificate of title [so] recorded~~[-, the certificate];~~
- (2) Certificate of title number~~[-, and the land]; and~~
- (3) Land court application or consolidation number, map number, and lot number for the land that is the subject of the certificate of title [so] recorded.

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

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

(g) As used in this section, “registered land” shall not include the undivided interest in the land unless the undivided interests represent all of the remaining registered interest in the land.”

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

“§502-11 Entry record. The registrar shall make and keep in ~~[such]~~ a form and manner as is prescribed by the board of land and natural resources a permanent record of the receipt of every ~~[deed];~~

- (1) Deed and instrument left for record~~[-, every copy];~~
- (2) Copy left as a caution~~[-, and every plan];~~
- (3) Plan filed~~[-]; and~~
- (4) Plan of the parcel or parcels of land deregistered pursuant to section 501-261.5;

provided that the registrar shall note on the record, in addition to a description sufficient to identify the document and the date and time of its receipt, ~~[such] any~~ other facts as ~~[are]~~ prescribed by the board of land and natural resources. Every ~~[such]~~ document shall be considered as recorded at the time so noted.”

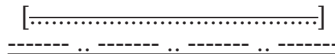
SECTION 4. Section 502-17, Hawaii Revised Statutes, is amended as follows:

- 1. By amending subsections (a) and (b) to read:

“(a) The registrar shall accept and file in the registrar’s office, upon the payment of the fee as provided in section 502-25, any plan of land prepared in the manner prescribed by this section. Every [~~such~~] plan shall contain [a]:

- (1) A short name of the tract; [~~the~~]
- (2) The name of the ahupuaa or ili, district, and island; [~~such data~~]
- (3) Data concerning the original title of the land as may be known, together with the name of the last owner of record and the owner’s address; [~~the~~]
- (4) The signature and address of the surveyor [~~and the surveyor’s address~~]; [~~the~~]
- (5) The signature and address of the maker [~~and the maker’s address~~];
- (6) The date of survey, scale, the meridian line, area, and the true azimuths and lengths of principal lines; [~~and the~~]
- (7) The names of all known adjoining owners[-]; and
- (8) If the land is deregistered pursuant to part II of chapter 501:
 - (A) An application or consolidation number;
 - (B) A map number;
 - (C) A lot number; and
 - (D) The document numbers of the canceled certificate of title.

One or more durable monuments shall be placed on the land [~~which~~], shall connect with the government triangulation system, and [~~which monuments~~] shall be placed as indicated on the plan[-], unless the land is being deregistered pursuant to part II of chapter 501. Whenever the land platted is made up of more than one original title, it shall be necessary to show all original title lines in broken lines as follows:



(b) The plan shall first be referred to the department of accounting and general services of the State which shall cause the same to be checked as to form and mathematical correctness but not on the ground. If the plan is drawn in accordance with this section and sections 502-18 and 502-19, the department shall indorse its approval of the plan on the face thereof, after which the plan may be filed of record. The department shall withhold approval of any plan until satisfied that the surveyor and maker of the plan is a [~~registered~~] licensed professional surveyor.”

2. By amending subsection (d) to read:

“(d) On receipt for recordation of a transfer or separate description document concerning a lot in a subdivision, the registrar shall accept and file the document with:

- (1) A metes and bounds description, either solely or as part of the document;
- (2) A county certified plat map[~~;~~ and], unless the land is being deregistered pursuant to part II of chapter 501; and
- (3) A letter from a [~~registered~~] licensed professional surveyor, certifying that the metes and bounds description conforms to the accompanying plat map.

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

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

“§502-18 Description; lot subdivisions. A metes and bounds description of the exterior boundaries of the parcel or parcels of land sought to be registered as a file plan shall be written upon the plan, or printed or typewritten on unruled good quality white paper [43] 11 inches long by 8 1/2 inches wide[-] and shall be filed in duplicate with the file plan[-and]. The metes and bounds description shall be dated and signed by the licensed professional surveyor making the field survey, or under whose supervision the field survey was executed. If the land sought to be registered as a file plan is being deregistered pursuant to part II of chapter 501, the metes and bounds description shall be dated and signed by the licensed professional surveyor making the file plan, or under whose supervision the file plan was made. The boundaries of the land platted shall be described as running from left to right (clockwise) and the azimuth system shall be used in designating the courses of the survey with zero or 360 degrees at due South; 90 degrees at due West; 180 degrees at due North; 270 degrees at due East. Any printed or typewritten description filed separately with the file plan shall be recorded in the registry system and the book and page thereof noted on the file plan. Expense of recordation shall be charged to the owner. The initial point in the description shall clearly show the connection with the government triangulation system[-and-ah]. All outside corners of the tract shall be substantially marked by monuments in the ground, where practicable[-]; unless the land is being deregistered pursuant to part II of chapter 501. In all cases where tracts of land are subdivided into lots, with the intention of conveying separate lots by lot number and reference to the plat, it is necessary to show the true azimuths and lengths of all principal lines[-] and the lot areas[-and-a]. A sufficient number of durable monuments shall be placed in the ground so as to accurately identify each lot[-], unless the land is being deregistered pursuant to part II of chapter 501. Any lands being deregistered pursuant to part II of chapter 501 shall not subdivide or consolidate when registering as a file plan, and only contiguous parcels shall be shown on the same plan.”

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

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

SECTION 8. This Act shall take effect on July 1, 2021.
 (Approved July 6, 2021.)