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 due to an overwhelming volume of timeshare transactions, Act 120, Session Laws of Hawaii 2009, was enacted to remove fee simple timeshare transactions from the land court. The legislature subsequently provided for the voluntary deregistration of fee simple, non-timeshare land through the enactment of Act 119, Session Laws of Hawaii 2013.

The legislature finds that the land court provides a systematic and logical process for the mapping and indexing of land and the recording of transactions and encumbrances on land titles, including mortgages, liens, leases, claims, and taxes. However, the legislature also finds that the land court system was designed to process single, consecutive ownership interests and not multiple, simultaneous interest in a single parcel of land. An unanticipated consequence of Act 120, Session Laws of Hawaii 2009, and Act 119, Session Laws of Hawaii 2013, is that
there are no clear requirements or standards for mapping and
describing of deregistered lands.

Accordingly, the purpose of this Act is to clarify the data
requirements for land recordation by the bureau of conveyances
on land deregistered by the land court, other than fee simple
time share interests, to require a plan 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. (a) To deregister land
under this chapter, the registered owner of the fee interest in
registered land shall submit the following to the assistant registrar:

(1) A written request for deregistration shall
include 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.
(2) Upon presentation to the assistant registrar of a written request for deregistration by the registered owner of the fee interest in registered land, the assistant registrar shall not register the same, but shall: 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.

(b) Upon satisfactory submission of the documents required pursuant to subsection (a), the assistant registrar 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 by the state land surveyor.

(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;

(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; provided that the written
request for deregistration shall be recorded
immediately after the certificate or certificates of
title; [and

(3) Cancel the certificate of title; and

(4) File in the bureau of conveyances, pursuant to chapter
502, a plan of the parcel or parcels sought to be
deregistered; provided that any plan shall be prepared
in accordance with sections 502-17, 502-18, and 502-
19.

(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
[burcau]:

(1) Bureau of conveyances document number for the
certificate of title [see 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 [see] recorded.

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

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

(g) As used in this section, "registered land" shall not
include an undivided interest in the land unless the undivided
interest represents 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 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 plan shall contain:

1. A short name of the tract;
2. The name of the ahupuaa or ili, district, and island;
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;
4. The signature of the licensed professional surveyor and the surveyor’s address;
5. The signature and address of the maker and the maker’s address;
6. The date of survey, scale, the meridian line, area, the true azimuths and lengths of principal lines;
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] a solid line broken by two dots or short dashes as follows:

[.................................]

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(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, 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 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 [11 inches long by 8 1/2 inches wide] and shall be filed in duplicate with the file plan. 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. 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. 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, 2050.
Report Title:
Property; Land Court Recordation; Deregistration

Description:
Clarifies the data requirements for land recordation on land deregistered by the land court other than fee simple time share interests. Effective 7/1/2050. (HD1)

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