



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
BUREAU OF CONVEYANCES

P. O. BOX 2867

HONOLULU HAWAII 96803

June 2011

SUBJECT: Procedures for Timeshare Deregistration from Land Court and Voluntary Deregistration of Land from Land Court

Act 120, 2009 Session Laws of Hawaii allows owners of land registered in Land Court to request deregistration from Land Court and mandates that all timeshare interests registered in Land Court be deregistered from Land Court. These will take effect on July 1, 2011.

Timeshare Deregistration

Effective July 1, 2011, no documents affecting timeshare property will be accepted for recordation in the Land Court system. All timeshare documents will be recorded in the Regular system of the Bureau of Conveyances ("Bureau") from July 1, 2011 forward. Rather than performing a mass transfer of all timeshare certificates, the Bureau will be deregistering the timeshares certificates upon presentation of a recording affecting the timeshare certificate. In order to accomplish this deregistration the process will be as follows:

1. A document affecting a timeshare certificate will be presented to the Bureau for recordation;
 - a. The submitter is required to complete a cover sheet including ICN, certificate number and owners' name(s). A sample of this cover sheet is included with this memo.
2. The Bureau will review the certificate and prepare it for recordation in the Regular System;
 - a. The cover sheet will be attached to the certificate and recorded in the Regular System.
 - b. If the certificate is not yet certified by an Assistant Registrar of the Land Court, there will be cautionary language placed on the certificate noting:
"Encumbrances mentioned in Chapter 501-82, Hawaii Revised Statutes ("HRS") include the right of the registrar or assistant registrar to correct any clerical error made by personnel of the registrar's or assistant registrar's office in accordance with Section 501-196, Hawaii Revised Statutes, which correction shall be evidenced exclusively by the recordation in the Bureau of Conveyances pursuant to Chapter 502, Hawaii Revised Statutes, of a certified copy of this certificate of title incorporating such correction."
3. The recording fee for the Regular System document will be paid by the submitter. All recording and additional page fees shall apply.

4. All subsequent transactions for this timeshare property will be recorded in the Regular System.
 - a. Pursuant to HRS 501-267 – Reference to prior recorded documents. Any instrument conveying or otherwise dealing with deregistered land and which requires a reference to a prior recorded instrument may satisfy the requirements of section 502-33 by reference to the land court document number (in the case of a document recorded pursuant to chapter 501) or to the book and page or bureau of conveyances document number (in the case of a document recorded pursuant to chapter 502) of the instrument to which reference is made.

Voluntary Deregistration of Land Court Land

Effective July 1, 2011, owners of a fee interest in land registered in Land Court will be allowed to request deregistration of their land. This is a voluntary action by the owners. The process is as follows:

1. The fee owners of the land must submit a written request for deregistration to the Bureau of Conveyances. This request must include:
 - a. Date
 - b. Owner(s) name, including Life Estate interest.
 - i. Any changes must be petitioned at Land Court Judiciary prior to deregistration.
 - c. Property description of land:
 - i. TCT #
 - ii. Lot #, Map #, App/Cons # or Apt & CM #
 - d. Value of Land
 - e. Proof of Title Insurance
 - f. Signed by all Owners
 - g. Notary Acknowledgement

A sample request for deregistration is included with this memorandum.

2. The Bureau is requiring five (5) business days to review the request. The review will include verifying that the requirements of the request have been met and that the certificate of title has been certified by an Assistant Registrar of the Land Court. After review the Bureau will advise the submitter of an estimated date the land will be transferred to the Regular System. At this time, the notation “PENDING DEREGISTRATION” will be noted on the certificate.
 - a. If determined that all requirements of the request are satisfied and the certificate has been certified, the certificate will be recorded in the Regular System of the Bureau. Following the recording of the certificate, the written request for deregistration will be recorded in the Regular System of the Bureau. The document number of the certificate recordation will be noted on the cancelled certificate in the Land Court system.

3. The recording fee for the Regular System documents will be paid by the submitter. All recording and additional page fees shall apply.
4. Any subsequent documents relating to this land shall be recorded in Regular System.
 - a. Pursuant to HRS 501-267 – Reference to prior recorded documents. Any instrument conveying or otherwise dealing with deregistered land and which requires a reference to a prior recorded instrument may satisfy the requirements of section 502-33 by reference to the land court document number (in the case of a document recorded pursuant to chapter 501) or to the book and page or bureau of conveyances document number (in the case of a document recorded pursuant to chapter 502) of the instrument to which reference is made.

Summary

In order to accommodate timely recording of your documents, please provide the Bureau with the following information for any upcoming transactions:

- a. Current Certificate number
- b. Document number that created the certificate
- c. Date of recording for prior document and
- d. Date of upcoming recording.

We would appreciate your cooperation in sharing this information with your staff and/or membership. If you have further questions regarding this procedure, please contact us.

Thank you.

ATTACHMENTS: Sample Cover Sheet
 Sample Voluntary Request to Deregister Land

LAND COURT

REGULAR SYSTEM

(AREA ABOVE RESERVED FOR RECORDING INFORMATION)

After Recordation, Return by Mail or Pick-up Phone#: _____

FILL IN NAME AND ADDRESS BELOW:

Deregistration of Certificate of Title: _____

Owner(s): _____

Interval Control Number: _____

DOCUMENT CONTAINS _____ PAGES

RETURN BY MAIL (X) PICK-UP () TO:

This document contains
__ pages

TMK Nos. (1) ___ - ___ - ___ - ___ CPR. Nos. ____

VOLUNTARY REQUEST FOR DEREGISTRATION

[Pursuant to Section 501-261(d)]

To: Assistant Registrar of the Land Court
State of Hawaii

Date: _____

1. This Voluntary Request for Deregistration ("Deregistration Request") is made by the following persons (individually and collectively the "Owner"):

[State full name, no initials. Show marital status.]

2. Pursuant to Section 501-261, Hawai'i Revised Statutes, Owner requests that the property described in Exhibit A attached hereto and hereby made a part hereof (the "Property") be deregistered.

3. Attached as Exhibit B to this Deregistration Request is true and correct copy of a policy of title insurance issued to Owner in an amount at least equal to the value of the Property. Attached as Exhibit C is documentation of the value of the Property (e.g., an appraisal, tax assessment, etc.).

EXHIBIT A

[Description of the property or the interest in property being deregistered]

EXHIBIT B

[Copy of Title Policy on the property or the interest in property being deregistered]

EXHIBIT C

[Evidence of value of the property or the interest in property being deregistered]

SAMPLE