



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

UPDATED SEPTEMBER, 2021 (originally issued 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 allow 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 originally took effect on July 1, 2011 and now updated.

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 timeshare 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 (UPDATED BY ACT 187, EFF. JULY, 2021)

Effective July 1, 2021, 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#
 - d. A written waiver of all claims against the State relating to the title to the land arising from the date of deregistration.
 - e. Value of the land
 - f. Proof of Title Insurance
 - g. Signed by all owners
 - h. Notary Acknowledgement
 - i. A plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional surveyor prepared pursuant to sections 502-17, 502-18, and 502-19.
 - j. A separate payment check for each deregistration packet (please note that additional fees may be required based on actual TCT work & copies completed)

A sample request for deregistration is included with this memorandum.

2. The Bureau is requiring ten (10) 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 refer the plan of the parcel or parcels sought to be deregistered that includes a map and description to the state land surveyor in the Department of Accounting and General Services for review and approval.
 - a. Any discrepancies found during review of the map and description are required to be resolved prior to approval. The registered owner of the fee interest in registered land, or his or her representative, is responsible for communicating with the state land surveyor's office to resolve discrepancies that may be contained in the map and description that was submitted as a requirement of voluntary deregistration.
3. The state land surveyor will return the approved map and description to the assistant registrar after said map and description have been checked as to form and mathematical correctness (no site visit will be conducted).
4. After receiving the state surveyor approved map and description 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, and subsequently, as a requirement for deregistration pursuant to chapter 502, the approved plan of the parcel or parcels sought to be deregistered, prepared pursuant to sections 502-17, 502-18, and 502-19, to which the map and description approved by the state land surveyor are a part thereof, will be recorded in the Regular System of the Bureau.
 - b. The Assistant Registrar will transmit the notation of the recordation and cancellation of the certificate of title to the Registrar of the Land Court and state land surveyor.
5. Recording fee for the Regular System will be paid by the submitter and the Bureau will contact the submitter for the total fees due in the case that additional fees are needed.
6. 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 of Bureau of Conveyances document number (in the case of a document recorded pursuant to chapter 502) of the instrument to which reference is made.

**** Notes**:**

1. “Registered land” as used above does not include the undivided interest(s) in the land unless the undivided interest(s) represent(s) all the remaining registered interest(s) in the land.
2. To deregister undivided interest(s) in registered land, all owners of all remaining registered interest(s) in the land should submit a single written request and a single plan pursuant to Section 501-261.5, subsection (a).
3. No subdivisions or consolidations are allowed on plans prepared for deregistration. Only contiguous lots in the same land court application or land court consolidation are allowed on plans prepared for deregistration. These restrictions will speed up the review process.

Mahalo in advance for your diligence in completing your deregistration request accurately.

ATTACHMENTS: Sample Cover Sheet
 Sample Voluntary Request to Deregister Land
 Sample Deregistration Custody Sheet

Land Court Deregistration Custody Form

Name of owner of registered lot(s): _____
Land Court Application or Consolidation Number: _____
Lot Number(s): _____
Transfer Certificate of Title(s): _____
Contact phone number: _____
Contact email: _____

REQUIRED ITEMS Check list (these items must be presented to the Assistant Registrar when requesting to deregister your registered land)

1. Land Court Deregistration Status Sheet filled out as instructed.
2. A written request to deregister the registered land.
3. Proof of title insurance in the amount of the value of the land to be deregistered.
4. A written waiver of all claims against the State of Hawaii relating to the title to the land arising after the date of deregistration.
5. A plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional land surveyor prepared pursuant to HRS sections 502-17, 502-18, and 502-19.
6. A letter from the licensed professional surveyor certifying that the metes and bounds description conforms to the accompanying map.

DO NOT WRITE BELOW THIS LINE. FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES BUREAU OF CONVEYANCE STAFF AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES LAND SURVEY DIVISION STAFF ONLY.

Date the above REQUIRED ITEMS were accepted into the custody of the Assistant Registrar for processing: _____
Name of person who accepted the above REQUIRED ITEMS: _____

Date items 5 and 6 were accepted into custody of the Land Survey Division for processing: _____
Name of the person who accepted items 5 and 6: _____

Date items 5 and 6 were returned to the custody of the Assistant Registrar for processing: _____
Name of the person who accepted items 5 and 6 : _____

Date of Deregistration: _____
Document Number: _____
Date Recorded: _____
File Plan Number: _____

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”, including Life Estate interest):

| |
|--|
| |
| |
| |
| |

[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 (including TCT #'s, Lot #, Map #, App/Cons #) attached hereto and hereby made a part hereof (the “Property”) be deregistered.

3. Attached as Exhibit B to this Deregistration Request is a 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.). Attached as Exhibit D is a plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional land surveyor prepared pursuant to HRS sections 502-17, 502-18, and 502-19. Attached as Exhibit E is a letter from the licensed professional surveyor certifying that the metes and bounds description conforms to the accompanying map.

4. In addition to the Exhibits required in #2 and #3 above, the fee owners of the land must be sure that:

a. Any changes requiring petitioning of the Land Court Judiciary be done and any appropriate Land Court Order completed before submitting the deregistration request.

b. In Exhibit A, ensure that condominium map #'s or apartment units are not in the legal description since CPR'd units cannot be deregistered per HRS 501.261.5.

c. j. A separate payment check for each deregistration packet (please note that additional fees may be required based on actual TCT work & copies completed)

5. By signing below, Owner waives all Claims against the State of Hawai`i relating to the title to the land arising after the Date of Deregistration. This paragraph 5 does not affect any rights and duties that matured or proceedings that were begun on or before the Date of Deregistration. For purposes of this paragraph 5:

A. The term "Date of Deregistration" shall mean and refer to the date when the Assistant Registrar records in the Bureau of Conveyances of the State of Hawaii, pursuant to Chapter 502, Hawai`i Revised Statutes:

- (1) A copy of the Certificate of Title for the Property; and
- (2) The executed original of this Deregistration Request.

B. The term "Claims" shall mean and refer to all claims (i) arising subsequent to the Date of Deregistration, and (ii) that Owner could have made against the State of Hawaii pursuant to Chapter 501, Hawai`i Revised Statutes, with respect to the Property had it not been deregistered pursuant to Section 501-261, Hawai`i Revised Statutes.

6. Owner requests that the Assistant Registrar:

A. Record the Certificate of Title for the Property in the Bureau of Conveyances of the State of Hawaii, as provided Section 501-261(a)(1), Hawaii Revised Statutes;

B. Record this Deregistration Request (i) in the Office of the Assistant Registrar of the State of Hawaii pursuant to Chapter 501, Hawai`i Revised Statutes, and (ii) in the Bureau of Conveyances of the State of Hawaii pursuant to Chapter 502, Hawai`i Revised Statutes; and

C. Cancel the Certificate of Title for the Property as provided in Section 501-261(a)(3), Hawaii Revised Statutes.

Owner:

| | | |
|--------------------------|-------------|-----------------|
| _____ | _____ | _____ |
| [Print Name in Full] | [Signature] | [Date Executed] |
| _____ | _____ | _____ |
| [Print Name in Full] | [Signature] | [Date Executed] |
| _____ | _____ | _____ |
| [Print Name in Full] | [Signature] | [Date Executed] |
| _____ | _____ | _____ |
| [Print Name in Full] | [Signature] | [Date Executed] |
| [Notary Acknowledgement] | | |

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]

EXHIBIT D

[Plan of the parcel or parcels sought to be deregistered that includes a map and description prepared by a licensed professional land surveyor]

EXHIBIT E

[letter from the licensed professional surveyor certifying that the metes and bounds description conforms to the accompanying map]