

Voluntary Deregistration of Registered 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. An 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. A written waiver of all claims against the State relating to the title to the land arising after the date of deregistration
 - e. Value of 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.

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 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 but not on the ground.
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. The recording fee for the Regular System documents will be paid by the submitter. All recording and additional page fees shall apply.
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 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.

*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 of 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.