



The Judiciary, State of Hawai'i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair

Representative Scott Y. Nishimoto, Vice Chair

Wednesday, March 2, 2016, 11:00 a.m. – Agenda #1
State Capitol, Conference Room 325

by

Calvin Ching

Deputy Chief Court Administrator

Court Operations/Services Division

Bill No. and Title: House Bill No. 2090, House Draft 1 Relating to Land Court.

Purpose: Streamlines the operations of the office of the assistant registrar of the land court by removing the requirement that the assistant registrar certify pending certificates of title for fee time share interests (HD1).

Judiciary's Position:

The Judiciary takes no position on House Bill 2090, House Draft 1 and respectfully offers the following comments.

The adoption of this measure would not directly impact the Land Court Judiciary operations but it may affect the conclusiveness and completeness of Land Court Certificates of Title for deregistered time share interests.

Land Court Certificates of Title issued by the Land Court that are certified are deemed to be reliable, correct and conclusive as to all matters contained therein to the extent that they are deemed to be acceptable as evidence as a matter of law pursuant to HRS § 501-88.

This measure may undermine the reliability and conclusiveness of the Land Court Certificates of Title for de-registered time share interest.

Although time shares were removed from the Land Court system effective as of July 1, 2012, the Assistant Registrar is required to update all time shares Certificate of Title up until this



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date. This measure would eliminate the requirement that Land Court Certificates of Title be certified in order to circumvent the pending certifications and the Office of the Assistant Registrars' backlog.

The elimination of the certification requirement could detrimentally affect all time shares certificates of title by rendering them questionable as to accuracy, correctness and conclusiveness.

This measure would create another category of Land Court Certificates of Title for fee simple time share interest prior to July 1, 2012 that were not certified as opposed to those that are certified.

Thank you for the opportunity to testify on this measure.