



The Judiciary, State of Hawai'i

Testimony to the House Committee on Water & Land

Representative Ryan I. Yamane, Chair
Representative Ty J. K. Cullen, Vice Chair

Friday, February 5, 2016 8:30 a.m.
State Capitol, Conference Room 325

by
Calvin Ching
Deputy Chief Court Administrator
Court Operations/Services Division

Bill No. and Title: House Bill No. 2090, 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.

Judiciary's Position:

The Judiciary takes no position on House Bill 2090 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



House Bill No. 2090, Relating to Land Court
House Committee on Water and Land
Friday, February 5, 2016 8:30 a.m.
Page 2

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.

Thank you for the opportunity to testify on House Bill 2090.