

RE:           **Proposal to Amend Rule 70 and Delete Rule 107 of the  
Rules of the Land Court**

LAND COURT FEES

The Supreme Court of Hawai'i seeks public comment regarding a proposals to amend Rule 70 and delete Rule 107 of the Rules of the Land Court. The proposed amendments will conform with Hawai'i Revised Statutes Section 507-218 and clarify the authority by which the Land Court has been charging fees. The proposed rule is attached hereto.

Comments about the proposed rule should be submitted, in writing, **no later than Monday, June 8, 2015**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENTS TO  
RULES OF THE LAND COURT**

(Deleted material is bracketed and stricken; new material is underlined)

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**Rule 70. SCHEDULE OF FEES.**

[The assistant registrar is entitled to demand and receive the following fees, provided that no fees shall be charged for the recordation of any instrument offered for recordation by any officer of the United States, or by any officer or agent of any agency or instrumentality of the United States acting in his official capacity, and provided further that no fee shall be required of any county presenting a document for record, wherein the county is the grantee.]

(1) For the recordation of every instrument, including indexing, and making and attesting memorandum on certificate not in excess of four - \$10, and \$1 for each additional memorandum on certificates in excess of four required by any one instrument.

(2) For filing an order for a suggestion of death, fact of marriage, divorce, subdivision, or notice of issue of an order in bankruptcy - \$25.

(3) For entry of a certificate of title or for making and entering a new certificate - \$25 if contained within four pages. For each additional page or fraction thereof - \$1.

(4) For a copy of a certificate of title - \$2 if contained within four pages. For each additional page or fraction thereof - \$1.

(5) For a copy of any instrument recorded in the assistant registrar's office, authenticated by the assistant registrar's seal of office, or for a copy of any instrument or portion of any instrument recorded in the assistant registrar's office, not authenticated by the assistant registrar's seal of office - \$1 per page or fraction thereof.

(6) For indexing any instrument recorded while application for registration is pending - 25 cents.

(7) For a copy of the daily computerized magnetic tapes containing the daily entry record - \$100 per month.

(8) For inquiring into computerized data of the Land Court Automated Title System - Monthly Fee which includes printing is \$150.

(9) For a copy of any instrument recorded in the assistant registrar's office, when the copy is not authenticated by the assistant registrar's seal of office and the copy is made by the person desiring same on a coin operated duplicating machine provided by the assistant registrar, no more than 50 cents per page or fraction thereof.

(10) For filing any petition after original registration - \$5; plus \$1 for each exhibit attached.

(11) For any order after original registration - \$20.

(12) For certification under seal of a copy of a pleading or other paper subsequent to the initial filing of the pleading or paper, except the record on appeal - \$2.]

(a) Unless otherwise ordered by the land court, the registrar of the land court is entitled to demand and receive the following fees, in addition to any

other fees provided by law, except however, no fees shall be charged for any documents or petitions offered for filing by any officer of the United States, State of Hawaii, or any county of Hawaii, or by any officer or agent of any agency or instrumentality thereof in their official capacity.

(1) For filing of any petition for original registration, order to show cause, citation, notice of hearing, application to register accretion, or corrections to reflect erosion - \$315.

(2) For filing a petition after original registration with an order for a suggestion of death, (other than a trustee), fact of marriage, termination of marriage, notice of issue of an order in bankruptcy, change of name, or amendment to correct an error, omission, mistake, or memorandum entered on the certificate - \$50 plus \$10 per exhibit.

(3) For filing a petition after original registration with an order for suggestion of death of a trustee, removal of a trustee, incapacity of a trustee, appointment by a successor trustee, or acceptance of a successor trustee - \$100 plus \$10 per exhibit.

(4) For filing any petition for subdivision, consolidation, resubdivision, designation of easements, or cancellation of easements - \$200.

(5) For filing any petition for any other matter not covered in items 2 thru and 4, inclusive, above after original registration - \$300 plus \$10 per exhibit.

(6) For an uncertified copy of any instrument filed in the Office of the Registrar of the Land Court, when the copy is not authenticated by the seal of office and the copy is made by court personnel - \$2 per page or as provided by law.

(7) For certification under seal of the registrar of the land court or it's designee a copy of a pleading or other paper subsequent to the initial filing of the pleading or paper except the record on appeal - \$5 per document.

(8) For filing of any motion - \$30.

(9) For filing of any other document not addressed above - \$5.

(10) For retrieval of files (including a document or documents within a case file) from off-site storage - \$10 per case file.

(b) The supreme court, by rule of court, from time to time, may revise, amend, add to, or eliminate any fees payable under subsection (a), or create additional fees as it deems reasonable, for services provided by the Office of the Registrar of the Land Court.

The new Rule 70 shall take effect on \_\_\_\_\_ 2015.

**Rule 107. REPEALED. [FEES.**

~~The following fees should be charged for services related to the checking and processing of land court maps referred to the Surveyor of the State of Hawai'i for check and report:~~

~~(1) For verifying and checking map on the ground, for lots of one acre or less, \$84.37; an addition of \$3.37 an acre or fraction thereof for all areas over one acre and up to one hundred acres; an addition of \$1.68 an acre or fraction thereof for all areas over one hundred acres and up to one thousand acres; an addition of 84 cents an acre or fraction thereof for all areas over one thousand acres;~~

~~(2) Any expenses incurred for air transportation, rental of ground transportation, and per diem for the survey crew shall be charged to the applicant;~~

~~(3) For checking survey and map as to form and mathematical correctness but not on the ground, \$10.00 an hour;~~

~~(4) For processing subdivisions and designation of easements of registered land, and for checking same as to form and mathematical correctness but not on the ground, \$10.00 an hour.~~

~~Whenever applicable by statute, the above fees will not be charged to federal, state or county governments.]~~