

# LAND COURT VS. REGULAR SYSTEM

## Land Court System (Torrens System)

- Documents affecting registered property are filed in this system.
- Fee ownership of registered property is certified by the State of Hawaii.
- Certificate of Titles are issued to fee owners of registered property.
- Documents must contain full names of any individuals (no initials).
- A Petition is required to note any change of marital status, name, appointment of successor trustee, death of a titleholder when held as Tenants by the Entirety or Joint Tenants, cancellation or creation of an easement or consolidation.

## Regular System (Abstract System)

- Documents affecting unregistered property (properties not in the Land Court System) are filed in this system.
- Recordation of documents provide “notice” of the existence of the document.
- The Deed must contain the Grantee’s address.
- Documents to be recorded must conform with Hawaii Revised Statute 502.

## LAND COURT

A Court established in 1903 to administer the Torrens System land administration. This court oversees the land registration procedure and enters the decree of registration providing no party disputes the applicant’s title. The decree of registration insures the owner a quiet title to the property. The presiding Judge of the Land Court is designated by the Chief Justice of the Hawaii Supreme Court and selected from among the judges of the First Circuit Court.

## LAND COURT CONSOLIDATION

The consolidation of two or more contiguous or adjacent lots covered by two or more Land Court Applications are combined by filing a petition is called a Land Court Consolidation.

## LAND COURT DOCUMENT

Documents affecting the land after the Decree is issued and filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii. Such document must be filed in the Land Court System in order to affect any change in ownership or to encumber the property.

## LAND COURT DEREGISTRATION

Effective July 1, 2011, Act 120, 2009 Session Laws of Hawaii allows 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. Deregistration of land registered in Land Court is a voluntary action by the owners.

For more information regarding recording in Regular System and filing in Land Court, please refer to HRS §501 and §502.

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TITLE GUARANTY  
HAWAII