



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Mike Monroney  
Aeronautical Center

P.O. Box 25082  
Oklahoma City, Oklahoma 73125

*JA*  
AVN-451

March 22, 1989

Daniel J. Fowler, Esq.  
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Attorneys at Law  
204 North Robinson  
Oklahoma City, OK 73102

Dear Mr. Fowler:

#### Aircraft Mortgage

Your letter of March 16, 1989, asks for our opinion on the recordability of an aircraft mortgage as it relates to the recording against certain engines identified therein. Contrary to the information we gave you in previous discussions on the subject, we must advise you that we do not recommend recording such instruments with the FAA Aircraft Registry.

You state that a foreign air carrier, registered overseas, with a mortgage covering both aircraft and engines given to a U.K. bank, has now leased the aircraft to a U.S. carrier, and you ask concerning the propriety of submitting the mortgage to the Registry for recording as to the engines alone. We had discussed the possibility of doing that if there appeared to be sufficient U.S. nexus. More detailed review shows that in previous opinions, this office has stated that there must be U.S. ownership of the engines and/or propellers in order to bring it within the intent of the Federal Aviation Regulations and the Federal Aviation Act, specifically 49 U.S.C. 1403(a)(2) and (3).

Since the only U.S. connection in this instance is the U.S. lessee, we are of the opinion that the mortgages should not be recorded, and would so advise the Registry.

Sincerely,

Joseph R. Standell  
Assistant Chief Counsel  
for the Aeronautical Center

*Bruce Carter*  
By: Bruce Carter  
Attorney Adviser

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