

AVN 456



U.S. Department
of Transportation

Federal Aviation
Administration

DEC 16 1988

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

Mr. William A. Dempsey
Central Air Service, Inc.
7001-A S. Nogales Highway
Tucson, AZ 85706

Dear Mr. Dempsey:

Aircraft N49451

Your letter dated December 16, 1988, to Mrs. Walkup of the FAA Aircraft Registry has been referred to me for response. I am the Assistant Chief Counsel for the Aeronautical Center and I advise the Registry concerning legal matters.

In your letter you indicate your confusion as to why the Registry has refused to record Central Air Service, Inc.'s lien pertaining to civil aircraft N49451. You point out that notwithstanding Mrs. Walkup's letter of September 19, 1988, explaining that Arizona does not have statutory provisions for filing notices of artisan's liens against aircraft, that you have been advised to the contrary (i.e., Attorney General's letter of December 8, 1988).

"Lien" is a somewhat generic term which is often broadly applied to any interest in an aircraft. Attorney General Corbin is correct in saying that the Registry normally does record State tax liens (reference 14 CFR 49.51(a)). We also record bilateral security agreements.

However, as I understand it, you submitted for recordation some form of artisan's lien which presumably was related to Central Air Services, Inc.'s claim for repair, storage, or other service associated with the aircraft.

FAA will not record artisan's liens unless the State in which the lien allegedly arises, has appropriate statutory notice provisions. Our opinion in that regard is enclosed. From time to time, other states have been added to the list of states from which FAA will accept artisan liens. However, as of this date, Arizona is not one of them.

I regret this opinion could not be more favorable to you.

Sincerely,

JS
Joseph R. Standell
Assistant Chief Counsel for
the Aeronautical Center

Enclosure

cc:
Attorney General Corbin
(w/enclosure)