

October 17, 1988

Carole Ann Geronimo, Esq.
Kleiman & Saltzman, P.C.
Attorneys at Law
The Bank of New York Building
P.O. Box 430
New City (Rockland County), New York 10956

Dear Ms. Geronimo:

The Bank of New York v. Lively

Your letter of September 27, 1988, to the Federal Aviation Administration at the Great Lakes Region has been referred to this office for reply. We are the Assistant Chief Counsel for the Aeronautical Center who give legal advice to the FAA Aircraft Registry.

From your correspondence, it appears that you have obtained a default judgment against Norman E. Lively, and wish to place judgment liens against ten of his aircraft, N21655, N4715Z, N4200J, N3461U, N8656Z, N7413E, N7300P, N5347B, N5340B, and N3250T. For the reasons given below, we cannot place the judgment of record at this time.

First, the FAA Aircraft Registry is a conveyance system, not a notice system, *Feldman v. Philadelphia Nat. Bank*, 408 F. Supp 24, and the Registry is authorized to record only conveyances. General judgments are not conveyances, since they do not affect an interest in the aircraft.

Second, the judgment does not identify the aircraft, nor make the aircraft subject to the judgment. Under the regulations of 14 CFR Part 49, the judgment therefore is not eligible for recordation.

However, should you obtain an order nunc pro tunc from the court, amending the judgment to specifically identify the aircraft as being subject to it, it could then be eligible for recordation. If you proceed to attachment, or execution or levy, and the appropriate sheriff or marshal makes his return showing that he has placed the aircraft within the jurisdiction of the court, we can recommend to the Registry that they record the Attachment Order and the Sheriff's Return, since at that time, those documents will affect an interest in the aircraft. Absent the Sheriff's Return, the Order or Judgment is incomplete, inchoate, and ineffective to affect an interest in the aircraft.

If you proceed to attach and sell the aircraft at judicial sale, we will recognize the sale, and re-register the aircraft in accordance with the sale.

Post-25008

Please feel free to call the undersigned at (405) 686-2296, or write to the Assistant Chief Counsel, AAC-7, P.O. Box 25082, Oklahoma City, OK 73125, concerning this matter. We will be happy to work with you on it.

Sincerely,

Joseph R. Standell
Assistant Chief Counsel
for the Aeronautical Center

Original Signed By
R. BRUCE CARTER

By: R. Bruce Carter
Attorney Adviser

OFFICIAL FILE - 2010-19-1aj(oct)

AAC-7:RBCarter:nck:x2296:10/17/88 (wp:n21855.bc)
cc:AAC-250, AAL-7 (Assembly)