

October 17, 1988

Thomas E. Parnell, Esq.  
501 East Meridian Avenue  
P.O. Box 618  
Dade City, Florida, 34297-0618

Dear Mr. Parnell:

**Beech N3130N; Lis Pendens**

Your letter of September 15, 1988, to Ms. Barbara Jardee of the FAA Aircraft Registry has been referred to this office for response. We are the Assistant Chief Counsel for the Aeronautical Center who give legal advice to the Registry.

Your letter states that you have submitted a notice of lis pendens on two occasions against this aircraft which have been returned, and you state that despite your attempts to place these instruments of record, the Registry has nevertheless recognized the transfer of the aircraft, and registered to a third party.

The FAA Aircraft Registry is a conveyance system of recordation, not a notice system. *Feichman v. Philadelphia National Bank* 408 F. Supp. 24. This means that the Registry does not record notices, only instruments which are conveyances and thereby affect an interest in aircraft. Notices of lis pendens are not conveyances, and thus are not eligible for recordation under the Federal Aviation Act of 1958, 49 U.S.C. 1301 et seq.

In addition, even assuming the Registry would record your lis pendens, we are not aware of any law whereby property subject to the lis pendens cannot be transferred, or which would prevent the Registry from registering an aircraft to its new owner. The lis pendens would put a prospective purchaser on notice of an impending suit concerning it, but would not have the effect of an attachment or restraining order.

For the reasons given below, we support the actions of the Registry in rejecting your lis pendens. If you wish to discuss the matter further, please call the undersigned at (405) 686-2296.

Sincerely,

Joseph R. Standall  
Assistant Chief Counsel  
for the Aeronautical Center

Original Signed By  
By: R. BRUCE CARTER  
Attorney Adviser

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