



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**  
June 16, 1988

Mike Monroney  
Aeronautical Center

P.O. Box 25082  
Oklahoma City, Oklahoma 73125

AA-25024

L. Kent Clay, Esq.  
Kelly, Hart & Hallman  
Attorneys at Law  
2500 First City Bank Tower  
201 Main Street  
Fort Worth, TX 76102

Dear Mr. Clay:

3/23V  
Mobil-Lite Company; Mark Herring et al

The Judgment you submitted to the FAA Aircraft Registry to support registration in the name of Virgil L. Crestman, assignee of Richard Bell, who bought the plane at the Sheriff's sale following the Judgment, has been referred to this office for review. We are Aeronautical Center Counsel who advise the Registry on legal matters.

The caption of the case shows it runs against Carroll Herring, Randy Mayfield, and Mobil-Lite Company. While the form of the Judgment and subsequent transactions, including the Sheriff's sale appear to be in due form, we are concerned that the real party in interest has not been affected by this action.

The aircraft is registered to Mark Herring, d/b/a Mobil-Lite Company. To us, this means an individual owns the aircraft, and identified a trade name with it. We do not recognize a trade name as being a legal entity. The interested legal entity in this matter is Mark Herring, and he was not a named party in the foreclosure action. We are also concerned that Mobil-Lite being only a trade name, cannot respond in a suit since it is not a legal entity unless it has complied with the Texas equivalent of the fictitious name laws, and been so recognized under Texas law, which information is not available to us.

Nevertheless, we are concerned that since the aircraft is registered to Mark Herring, d/b/a Mobil-Lite Company, and Mark Herring was not identified in the suit, that the Judgment will not support on our records a termination of his interests for title search purposes. We question how the court can affect the rights of parties not before it. We suggest that an Order Nunc Pro Tunco or equivalent should be entered clarifying the matter so that our records will show that the interests of Mr. Herring have been affected by the Judgment.

Accordingly, we have recommended to the Registry that they take no action until we hear further from you.

Sincerely,

Original Signed  
R. BRUCE CARTER  
Joseph R. Standell  
Aeronautical Center Counsel