

November 2, 1981

Mr. James N. Davis  
Attorney at Law  
428 North Peninsula Drive  
Daytona Beach, Florida 32018

Dear Mr. Davis:

Re: N5595L; Claim of Lien

We appreciate very much the dialogue we have had with you on mechanic's liens (or more properly, artisan's liens), and welcome the information you have provided on such laws and cases in Florida. We recognize that historically attorneys in Florida, and elsewhere, have asserted, and recorded, both locally and with the FAA Registry, liens in favor of artisans, hangarkeepers, and fuelers for work, services, and supplies on aircraft, and we have no quarrel with the existence of such liens, and the manner of foreclosing them, each aspect determined by applicable State law.

However, we are of the opinion that the right to assert such claims of lien by recording them with the Registry must be governed by State legislation in order to assure uniformity and nondiscriminatory standards. We also recognize that this involves a change in the Registry procedures. The Registry has previously accepted such liens, but has experienced some difficulty with liens which have not been released, claimants who can no longer be found, and some liens which are alleged to be spurious, but have nevertheless found their way into the recorded documents against certain

aircraft. At the present time, the Registry is named a party in two suits to clear the title to aircraft encumbered by mechanics' liens, asking for either a purge of the records, or clear title in the record owner of the aircraft. Of course, we will abide by the judgment of the court in each case.

Our survey of the statutes of the laws of States, and three other jurisdictions for which the Registry provides aircraft recording and registration services under the Federal Aviation Act, shows 16 States or territories which have recording, or notice provisions for personal property liens:

Alaska	Indiana	Nebraska	South Dakota
Arkansas	Kansas	Oklahoma	Virgin Islands
Georgia	Kentucky	Oregon	Washington
Illinois	Maine	South Carolina	Wyoming

The common elements of the notice statute is the presence or absence of the following requirements:

- The time within which the claim must be recorded;
- Whether the claim must be signed by the claimant, or may be signed by his agent or attorney;
- Whether the claim must be verified;
- Where the claim is to be filed (Of course, for aircraft, there is Federal preemption of place of filing: The FAA Aircraft Registry at Oklahoma City).

These elements are not available by statute in Florida. We recognize that by precedent and case law these liens have been recorded in various offices in Florida, and accorded judicial recognition, but not because required to be noticed by any Florida statute.

Therefore, in the interest of consistency, and because the recordability of such documents must be governed by State law (Federal Aviation Act of 1958, Section 506 (49 U.S.C. 1406)), we have advised the FAA Registry effective immediately to accept for recordation only mechanic's (artisan's) liens from those States listed above. We recognize that the State statutes may change in this regard, and we have already been contacted for the purpose of suggesting appropriate State legislation, which we do by reference to those State statutes that have the notice provisions. Where States do change their notice statutes to provide for recordation of personal property liens, specifically aircraft, we will modify our list to accommodate those States. Specifically, we have had inquiries to date from Florida, California, Texas, and Nevada.

We will continue to record judgments against aircraft owners for liens on their aircraft, where the aircraft is specifically identified in the judgment by make, model, serial number, and registration (N#). Additionally, where the State statute provides for lien foreclosure by selling the aircraft at public or private auction (the claimant being in possession), we will recognize the sale in support of an application for registration when the applicant sends us a copy of the applicable law, his affidavit of compliance with that law, and copies of the public notice and notice sent to the registered owner.

We appreciate very much the material you have sent, and the opportunity to explain our advice to the Registry.

Sincerely,

Joseph T. Brennan  
Aeronautical Center Counsel