



U.S. Department
of Transportation
**Federal Aviation
Administration**

Mike Monroney
Aeronautical Center

P.O. Box 25082
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October 1, 1999

Preston G. Gaddis II, Esq.
Crowe and Dunlevy
1800 Mid-America Tower
20 North Broadway
Oklahoma City, OK 73102

Dear Mr. Gaddis:

Douglas model DC-9-15 Aircraft
Serial Number 47151

This responds to your letter of September 30, 1999, in which you asked our opinion that United States registration based upon a Bill of Sale from Dade County Aviation Department, as seller, to Aeroparts, Inc., as evidence of ownership is acceptable.

Apparently the aircraft was last registered in the Cayman Islands, but was seized and sold pursuant to Florida Statutes §§ 329.40 and 677.210, in satisfaction of an airport facilities lien for landing and other fees.

Section 47.37 of the Federal Aviation Regulations – ***Aircraft last previously registered in a foreign country***, provides that:

- (a) A person who is the owner of an aircraft last previously registered under the law of a foreign country may register it under this Part if he
- (1) Complies with §§ 47.3, 47.7, 47.8, 47.9, 47.11, 47.13, 47.15, and 47.17 as applicable;
 - (2) Submits with his application a bill of sale from the foreign seller or other evidence satisfactory to the Administrator that he owns the aircraft; and
 - (3) Submits evidence satisfactory to the Administrator that –
 - (i) If the country in which the aircraft was registered has not ratified the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830), the foreign registration has ended or is invalid;

Section 47.11(c) of the Regulations, ***Evidence of ownership***, requires:

The buyer of an aircraft at a judicial sale, or at a sale to satisfy a lien or charge, must submit a bill of sale signed by the sheriff, auctioneer, or other authorized person who conducted the sale, and stating that the sale was made under applicable local law.

This opinion addresses only the requirements of § 47.37(a)(2) (through compliance with § 47.11(c)), and § 47.37(a)(3)(i).

The furnished Bill of Sale through reference to Sections 329.40 and 677.210 of the Florida Statutes indicates that the aircraft was sold at a sale to satisfy a lien or charge. The Bill of Sale is signed by a person with apparent authority and does indicate that the sale was made under applicable local law. Accordingly, it is our opinion that the Bill of Sale does satisfy the requirements of §§ 47.11(c) and 47.37(a)(2).

The aircraft appears to have last been on the registry of the Cayman Islands. The Civil Aviation Authority of the Cayman Islands confirms by Aircraft De-registration Advisory dated September 23, 1999, that de-registration of the subject aircraft was effective at 1330 local time on that date. Our records indicate that the Cayman Islands has not ratified the Convention on the *International Recognition of Rights in Aircraft* (4 U.S.T. 1830). Accordingly, provided the furnished Aircraft De-registration Advisory is acceptable to the Administrator, it appears the requirements of § 47.37(a)(3)(i) are also met.

Accordingly, provided the remaining requirements of §§ 47.3, 47.7, 47.8, 47.9, 47.11, 47.13, 47.15, and 47.17 as applicable, are met, registration in the name of Aeroparts, Inc. appears appropriate and acceptable.

Sincerely,

Joseph R. Standell
Aeronautical Center Counsel

By:



Michael R. Burton
General Attorney