



U.S. Department
of Transportation

**Federal Aviation
Administration**

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

June 12, 2000

Alan B. Frankle, Esq.
751 Rockville Pike, Suite 7
Rockville, MC 20852-1141

Dear Mr. Frankle:

Maryland Statutory Lien Laws

This responds to your letter dated May 26, 2000, in which you requested our opinion that the referenced statutes are satisfactory to the FAA for the purpose of allowing your client to arrange for the transfer of title to an aircraft as the result of a sale pursuant to Maryland law, and that the Maryland statutes now be deemed to be "recorded" with the FAA for these purposes.

Historically, FAA has accepted notices and/or claims of lien only under state statutory schemes which either permit or mandate recording of notice and/or claim of the lien. Our review of the Maryland statutes leave us with the opinion the recording is neither permissive nor mandatory. Accordingly, FAA will not accept and record a notice and/or a claim of lien under the Maryland statutes.

However, because FAA will not accept and record such a notice and/or claim does not preclude a lien claimant from enforcing his/her claim and recording the transaction with the FAA.

Section 47.11(c) of the Federal Aviation Regulations (14 CFR Part 47) provides as follows:

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.

In my opinion Section 47.11(c) addresses a situation where Maryland law is the applicable local law in a sale to satisfy a lien or charge and provides a vehicle for which the sale can be recorded with the FAA Civil Aviation Registry.

If you have questions or comments, you may contact this office at (405) 954-3296.

Sincerely,
Joseph R. Standell
Aeronautical Center Counsel

By:


Michael R. Burton
General Attorney