

AAC-250

September 12, 1985

Mr. Paul Fox
Curator, United States Historical
Aircraft Preservation Museum
Alaskan Historical Aircraft Society
P.O. Box 6813
Anchorage, Alaska 99502

Dear Mr. Fox:

We have carefully reviewed your letter of August 24, 1985, which asks for our confirmation of your title to aircraft as evidenced by the Certificate of Registration issued by the Federal Aviation Administration. Unfortunately, we can give you little encouragement. The reason for this is that the FAA Aircraft Registry does not deal in titles to aircraft; the Registry only makes an administrative determination of ownership for registration purposes.

Section 501(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(f)) states that the Certificate of Registration "shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of the United States. Registration shall not be evidence of ownership of aircraft in any proceedings in which such ownership by a particular person is, or may be, in issue." This language is pretty plain to us. It means that the Certificate is not a title, and cannot be used as any evidence other than that the Federal Aviation Administration has administratively determined that an applicant for registration appears to our trained eyes to meet the requirement for ownership to allow registration. I assure you that when appropriate, we will continue to recognize your ownership in these recovered aircraft.

We recognize that in practice, as you have correctly stated, display of the Certificate is customarily accepted as title, or ownership, and even law enforcement individuals will accept it as such. But in court, or bankruptcy court, or IRS proceedings, the owner must start all over to prove up his ownership, probably using the same documentation that has been submitted to the Federal Aviation Administration.

You may wish to consider working with a local court on a case by case basis for a declaratory judgment as to your ownership. Such an order would certainly quiet any dispute over your title.

We regret that the law does not provide you with kind of ownership record you wish the Aircraft Certificate of Registration to have. However, as we advised you in our previous letter, registration is not required unless you intend to fly the aircraft. Since you do not intend to fly the aircraft, and the Registration Certificate won't serve as the legal evidence of ownership you request, at least you should not have to worry with the trouble and inconvenience of registration.

If we can be of any further service to you, please let us know.

Sincerely,

Joseph R. Standell
Aeronautical Center Counsel

Original Signed By
R. BRUCE CARTER

By:

R. Bruce Carter
Attorney Adviser

cc:
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