

REMINDER MEMO

DATE

9/12/85

WORK ORDER

> AVOID ERRORS — PUT IT IN WRITING <

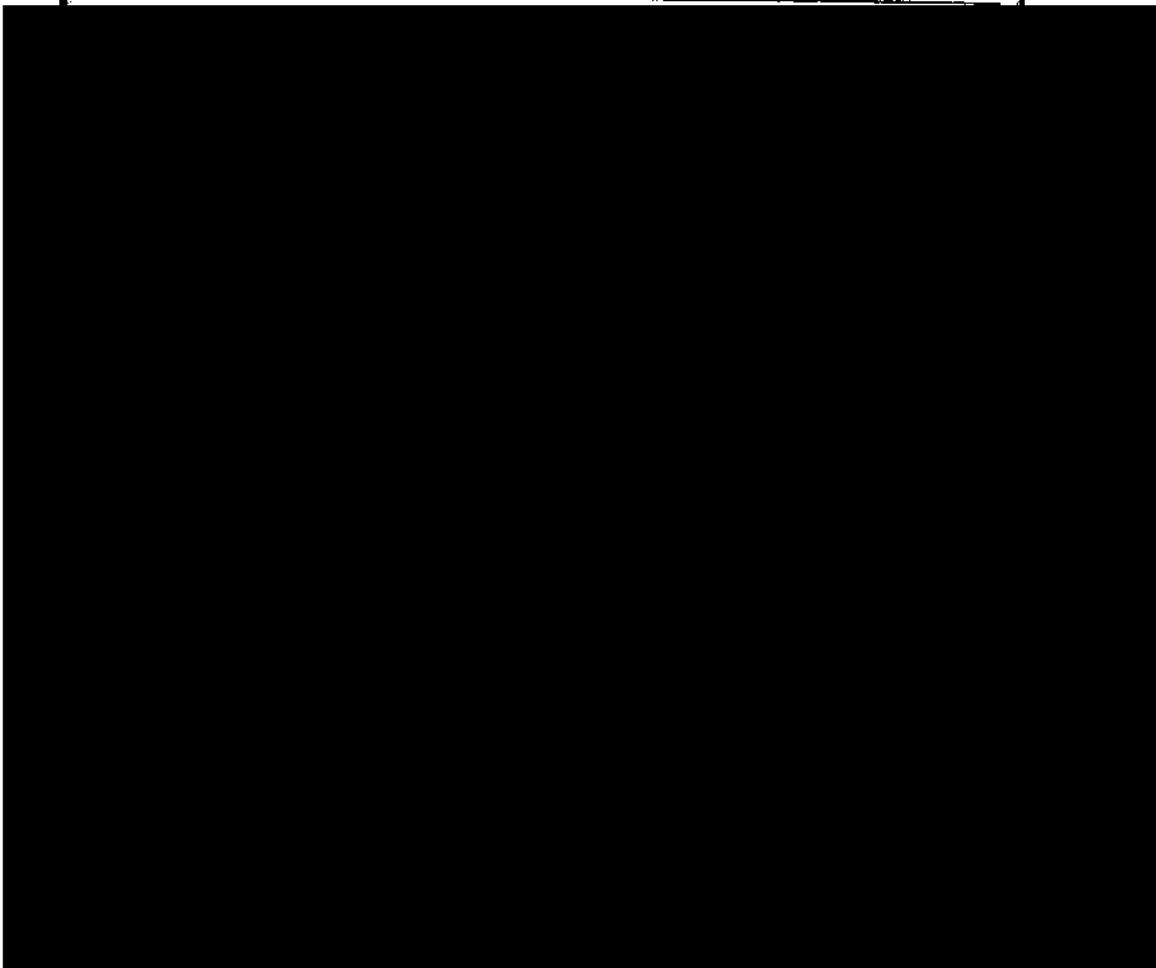
TO:

AAC-250: Attn: Agnes Jones

ROUTING SYMBOL

SUBJECT:

N6965P



SIGNATURE

A Rodriguez

ROUTING SYMBOL

AAC-7

September 12, 1985

Mr. Stephen Vieira
Attorney at Law
8 South Sheppard Street
Richmond, VI 23221

Re: Registration of Aircraft N6965P

Dear Mr. Vieira:

Your letter of August 26, 1985, questions our concern over your client (Mr. Earl Weimer) transferring this aircraft to a minor, Michael Weimer, and our requests for substantiation of this transfer. Please understand that we are concerned about appropriate documentation, since it is apparent that Michael cannot execute an Application for Registration by his own will or signature, not sell it, or otherwise transfer it by his own will or signature. We understand Michael to be about 4 years old.

In considering the concept of "owner" as directed by the Federal Aviation Act (49 U.S.C. Section 1401(c)), we deem ownership to be composed of many elements concerning aircraft: possession, title, responsibility to maintain, right to use, lease, collateralize, possibly insure, etc. A transfer to an obviously incompetent minor naturally raises the question of what rights he could possibly exercise other than hold naked title in his name. ANY exercise of the other rights and obligations of ownership would have to be done for him; thus, we question the relationship of Earl or any other person acting for him. In other words, we don't question the aspect of title being transferred to Michael, but we question the other elements that naturally comprise "ownership" under Section 1401(c) ("Upon the request of the owner....")

The Bill of Sale which has been submitted in support of the registration of the aircraft indicates as Purchaser "Weimer, Stephen E., Guardian for Weimer, Michael E." In our opinion, this wording parallels the requirements of the Uniform Gift to Minors Act as enacted in the State of Virginia, and gives us a basis to recognize competent ownership for and on behalf of, Michael. Accordingly, we are recommending to the Registry that they register the aircraft as requested on the Application.

In addition, you should be aware of Section 501(f) of the Federal Aviation Act, which states in pertinent part that registration shall not be evidence of ownership by a particular person is, or may be, in issue. (49 U.S.C. Section 1401(f)). In other words, the registration of an aircraft to a particular person, partnership of persons, or citizen corporation is not to be regarded as the factual determinant of ownership of the aircraft. The registration of the aircraft indicates the administrative determination of ownership of the aircraft only for registration purposes. The fact as to who is the actual owner of the aircraft is determined in any proceeding on the basis of relevant State law and competent factual evidence.

If you have any questions, you may contact Al Rodriguez of this office at (405) 686-2296.

Sincerely,

Original Signed by
D. BRUCE CARTER

Joseph R. Standell
Aeronautical Center Counsel

cc:
AGC-7
AGC-200
AAC-250

AAC-7:AJRodriguez:lml:2296:9-11-85