

5444

July 25, 1985

Michael F. Chenowith, Esq.
511 Southwest 3rd Avenue
Miami, Florida 33130

Re: N544Y; International Aircraft
v Air Cargo, Inc., et al.

Dear Mr. Chenowith:

Your letter of June 21, 1985, to the FAA Aircraft Registry has been referred to this office for response. We have reviewed the Complaint for Damages and Injunctive Relief you sent to them for recordation against the aircraft, and have determined that for the reasons given below it cannot be recorded.

The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) authorizes only "conveyances" to be recorded against aircraft (49 U.S.C. 1403(a)). "Conveyance" is defined at 49 U.S.C. 1301(20) to mean "a bill of sale, contract of conditional sale, mortgage, assignment of mortgage or other instrument affecting title to, or interest in property." Consistent opinions of counsel interpret this to mean 1) consensual instruments (with certain statutory exceptions not pertinent here), and 2) those which affect an immediate, as opposed to an inchoate interest, in aircraft. Various cases specifically identify the FAA recording system as a conveyance system, not a notice system. For instance, see Feldman v. Philadelphia National Bank, 408 F. Supp. 24. Your Complaint does not affect an interest in the aircraft and is not a conveyance. For these reasons, we respectfully decline to associate your Complaint for Damages and Injunctive Relief with the aircraft file. Your Complaint for Damages and Injunctive Relief is returned.

Sincerely,

Joseph R. Standell
Aeronautical Center Counsel

Original Signed by
R. BRUCE CARTER
By: R. Bruce Carter
Attorney Advisor

cc:
IATS
bcc: AAC-250

REMINDER MEMO

DATE

7-24-85

WORK ORDER

> AVOID ERRORS — PUT IT IN WRITING <

Nora

ROUTING SYMBOL

-25A

SUBJECT:

N544Y - Complaint



SIGNATURE

Bunce

ROUTING SYMBOL

-7

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

DATE

ROUTE SLIP

7/19/85

O: _____	NAME	ROUTING SYMBOL
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- | | |
|---|--|
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR YOUR SIGNATURE |
| <input type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> COMMENT |
| <input type="checkbox"/> PER OUR CONVERSATION | <input type="checkbox"/> TAKE APPROPRIATE ACTION |
| <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> PLEASE ANSWER |
| <input type="checkbox"/> DISCUSS WITH ME | <input type="checkbox"/> PREPARE REPLY FOR SIGNATURE |
| <input type="checkbox"/> FOR YOUR APPROVAL | OF _____ |

REMARKS:

[REDACTED]

[REDACTED]

[REDACTED]

Thanks.

FROM: <i>Nora Walkup</i>	TELEPHONE NO.	ROUTING SYMBOL <i>AAC 254</i>
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FAA Form 1360-13 (4-67) FORMERLY FAA FORM 2641

(Incluse)

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