



FEDERAL AVIATION AGENCY
Washington, D.C. 20553

SEP 13 1966

IN REPLY
REFER TO GC-25

Dear Mr. Litwiller:

This is in reply to your letter of September 2, 1966, in which you ask whether an aircraft may be registered in the United States by a United States citizen who has legal title to the aircraft but holds an undivided half interest in the aircraft in trust for an alien.

We believe that under sec. 501(b)(1) of the Federal Aviation Act (49 U.S.C. 1401) an aircraft so owned could not be registered in this country. Section 501, when enacted in 1938, deliberately overruled a policy then in effect, permitting the registration of aliens' aircraft in this country (14 CFR [1939] 00.31). Aircraft held by a citizen and an alien as joint tenants could not be registered in this country. Federal Aviation Regulations §47.43(a)(4) (14 CFR 47.43), interpreting and implementing sec. 501, expressly provides that arrangements made "to avoid * * * compliance" with the citizenship requirement of sec. 501 make the registration invalid. The arrangement described by you would seem to fall squarely under this provision since its sole purpose is to overcome the citizenship requirement by splitting legal and equitable ownership of a one-half interest in the aircraft. The Act does not authorize the Administrator to grant exemptions from its provisions.

Sincerely yours,

Original signed by

James B. Minor

James B. Minor
Associate General Counsel
Regulations and Codification
Division

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September 2, 1966

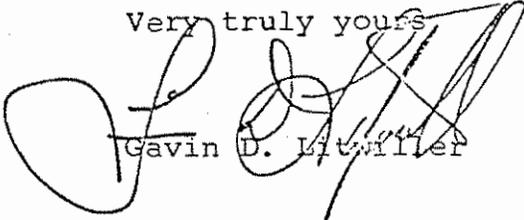
Mr. James B. Minor,
Associate General Counsel,
GC-20,
Federal Aviation Agency,
800 Independence Avenue, S.W.,
Washington, D.C. 20553

Dear Mr. Minor:

I represent the purchaser of an airplane. My client, who is a U. S. citizen, desires to purchase the airplane in joint conjunction with another person who is a U. S. resident, but not a U. S. citizen. The Aircraft Registry Office in Oklahoma City has suggested that I contact you for a legal ruling or exemption.

May this aircraft be registered if my client takes title in his name alone and executes a declaration of trust of a $\frac{1}{2}$ interest for the use of the non-citizen?

Very truly yours


Gavin D. Litwiler

GDL:sp