



U.S. Department
of Transportation
**Federal Aviation
Administration**

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Preston G. Gaddis II, Esq.
Crowe & Dunlevy
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Dear Mr. Gaddis,

Thank you for your letter of June 10, 2009, in which you state:

“In a proposed transaction, a foreign client (herein referred to as the “Purchaser”) agreed to purchase a new aircraft from its U.S. manufacturer (herein referred to as the “Manufacturer”). The Purchaser retained a U.S. company (herein referred to as the “Ferry Company”) to take title to the aircraft and ferry it to the Purchaser’s country. The Purchaser paid the Manufacturer the full purchase price for the aircraft and requested the Manufacturer file with the FAA an Aircraft Bill of Sale conveying title to the aircraft of the Ferry Company. The Ferry Company holds an FAA Dealer’s Certificate, so it will not file with the FAA an Aircraft Registration Application. After the aircraft is ferried to the Purchaser’s country, the Ferry Company will file with the FAA its request to deregister the aircraft.

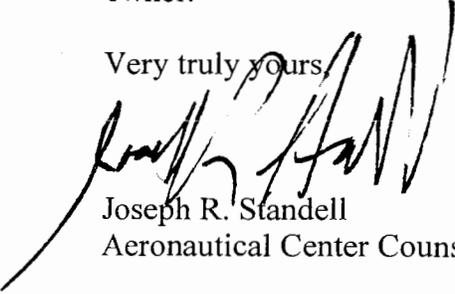
The question presented in the above described scenario is whether the aircraft is “owned by” the Ferry Company for U.S. registration purposes as required by Section 44102(a)(1) of Title 49 of the United States Code. We would appreciate receiving your written opinion on this issue. Should you decide the aircraft is “owned by” the Ferry Company, please include in your opinion the basis for distinguishing its capacity from that of an agent, which has previously been determined in prior opinions as not being an owner.”

As you know, certificates of registration are issued only to aircraft owners per 49 USC 44102(a)(1) and 49 USC 44103(a)(1)(B). Without having paid any consideration representing the value of the aircraft and without exercising any dominion over the aircraft other than operational control during the ferry flight, the Ferry Company is not an owner for registration purposes, notwithstanding that it is named as purchaser on an Aircraft Bill of Sale.

The FAA does not recognize nominees or agents as being owners. (This discussion does not apply to Trustee applicants for aircraft registration under 14 CFR 47.7(c).)

The fact that the Ferry Company would use an FAA dealer certificate rather than submit an Aircraft Registration Application is of no relevance. 14 CFR 47.67 requires submission of evidence satisfactory to the Administrator by the holder of a Dealer's Certificate that it is the owner of the aircraft before it may operate the aircraft. Although the regulation mentions "An Aircraft Bill of Sale" as an example of satisfactory evidence of ownership, the Aircraft Bill of Sale as you describe it won't work because the Ferry Company simply is not the owner.

Very truly yours,



Joseph R. Standell
Aeronautical Center Counsel