

April 27, 2000

Erin M. Van Laanen, Esq.  
McAfee and Taft  
Tenth Floor, Two Leadership Sq.  
211 North Robinson  
Oklahoma City, OK 73102-0439

Dear Ms. Van Laanen:

Recordation of Supplements  
to Recorded Security Agreements

On or about January 13, 2000, you contacted this office regarding your disagreement with the rejection of a Supplemental Agreement by the FAA Aircraft Registry. The Supplemental Agreement ("Supplement") purports to add an aircraft engine hushkit to the collateral covered by the original First Priority Aircraft Chattel Mortgage (Mortgage), which was recorded on June 5, 1997 and assigned conveyance number HK009809. You requested an independent review of the decision to reject the proposed recordation of the Supplement, and inquired whether the Supplement is acceptable for recordation. You provided a copy of the Supplement for our review.

Our understanding of your position is that you believe the Civil Aviation Registry rejected the document because the Supplement added only an uninstalled engine "hush kit," an item of collateral not covered under 49 U.S.C. § 44107(a). Your position appears to be that the Supplement is recordable: (1) because it amends or supplements a previously recorded conveyance; and (2) it fully describes the previously recorded conveyance.

We are of the opinion that the Supplement does not meet the recordation eligibility requirements of Sections 49.33, 49.43 or 49.53 of the Federal Aviation Regulations (FAR). None of these regulations covers instruments that affect an interest in a hush kit. Further, it is not sufficient for a supplement to describe the previously recorded conveyance that it purports to affect. FAR Section 49.17(d)(4) requires that an amendment or supplement not only describe the recorded conveyance, but must also "...meet the requirements for recording the original conveyance." (14 CFR § 49.17(d)(4)). Because the Supplement does not describe an aircraft, aircraft engine or propeller, or aircraft parts owned by an air carrier, it does not meet the requirements for recordation of Sec. 49.17(d)(4), and it was appropriately rejected by the Registry.

Sincerely,

Joseph R. Standell  
Aeronautical Center Counsel

By:

Alonso J. Rodriguez  
General Attorney