



U.S. Department  
of Transportation  
Federal Aviation  
Administration

Mike Monroney  
Aeronautical Center

P.O. Box 25082  
Oklahoma City, Oklahoma 73125

October 25, 1991

Robert M. Peregrin, Esq.  
Daugherty, Bradford and Fowler  
204 N. Robinson  
900 City Place  
Oklahoma City, OK 73102

Dear Mr. Peregrin:

U.S. Registration of Aircraft Pursuant  
to Judgment Invalidating Foreign Registration

Your letter of October 18, 1991 requests our opinion regarding the eligibility of a Douglas DC-9-15F aircraft (formerly identified as N915F) for registration under Title V of the Federal Aviation Act of 1958, as amended. The purported registration will be based on a default judgment which, in part, finds that the current foreign registration is invalid.

By way of background, you have explained that the aircraft was owned by Evergreen International Airlines (hereinafter Evergreen) in July 1990, when it was exported to Spain. The Spanish registration took place incident to the lease of the aircraft by Evergreen to Canafrica Transportes Aereos, S.A., doing business as Airsur, a Spanish corporation (hereinafter Airsur).

Subsequently, Airsur breached the terms of the lease with Evergreen, and the parties thereafter entered into an agreement to deregister the aircraft from the Spanish registry. Airsur has apparently failed to honor its portion of the agreement to take all necessary steps to effect deregistration. Evergreen subsequently filed an action against Airsur in the U.S. District Court for the District of Oregon. In the interim, however, Evergreen was able to peaceably repossess the aircraft.

The civil action ultimately resulted in a Default Judgment against Airsur. You have have inquired as to whether the Default Judgment is legally sufficient as a basis for registration in the United States.

Our review of the Default Judgment indicates that the Court found that Evergreen is the rightful owner of the aircraft (page 2, paragraph 5). Additionally, the Court decrees, as part of the relief granted in the Default Judgment, that Airsur has no right, title, or interest in the aircraft and that the registration under Spanish law has become invalid (page 3, paragraph 2).

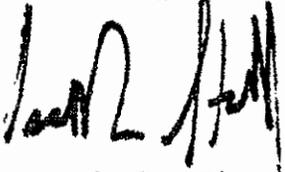
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Based on our review, it is our opinion that the Default Judgment meets the requirements of 14 CFR 47.37(d)(2) as a judgment or decree of a court of competent jurisdiction which has determined that the foreign registration of the aircraft has in fact become invalid. The aircraft is eligible for registration in the United States in the name of Evergreen, upon submission of a Application for Registration and Evergreen's Affidavit of Continuous Ownership.

Sincerely,



Joseph R. Standell  
Assistant Chief Counsel  
Aeronautical Center