



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

October 12, 1989

F. A. Conner  
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Miami Springs, FL 33166

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204 N. Robinson  
Oklahoma City, OK 73102

C F Properties, Inc.  
c/o Daniel J. Fowler, Esq.  
900 City Place  
204 N. Robinson  
Oklahoma City, OK 73102

Connecticut National Bank  
777 Main St.  
Hartford, CT 06115

Wilmington Trust Company  
Rodney Square North  
Wilmington, DE 19890

Dear Messrs:

Civil Aircraft N994CF, DC-8-62, Serial No. 45956

In considering the Aircraft Registration Application submitted by Mr. James Purcell, authorized agent for Mr. F. A. Conner, the FAA Aircraft Registry has referred the matter to this office for review. I am the Assistant Chief Counsel for the Aeronautical Center, and provide legal advice to the Registry.

Submitted with the Application is certified copy of an August 22, 1989, Order Setting Aside Judgments and Orders Pursuant to Mandate of District Court of Appeal which, among others, specifically identifies an Order Conveying Title to Property dated October 31, 1984 as being set aside. The October 31, 1984 Order provided the basis for aircraft registration in the name of Northeastern International Airways, Inc., on December 4, 1984.

In transmitting the Order Setting Aside, the letter of George de Pozsgay, attorney for Mr. Conner, dated October 11, 1989, demanded registration of the aircraft to Mr. Conner, the registered owner prior to the Order of October 31, 1984.

We have carefully reviewed the Order Setting Aside, which invalidates the Order Conveying Title of October 31, 1984. Mr. Phillip L. Brawner, also an attorney for Mr. Conner, by letter of August 18, 1989, provided us with a copy of the Opinion filed May 17, 1989 in the District Court of Appeal of the State of Florida which formed the basis for the Order Setting Aside. The Appeal Court found that the Circuit Court entered a Final Judgment Dismissing Action with Prejudice on May 15, 1984, and that all orders and judgments issued after that time in that case were invalid. The Appeal Court specifically found that "Thirty days after its entry, the May 15, 1984, judgment became final."

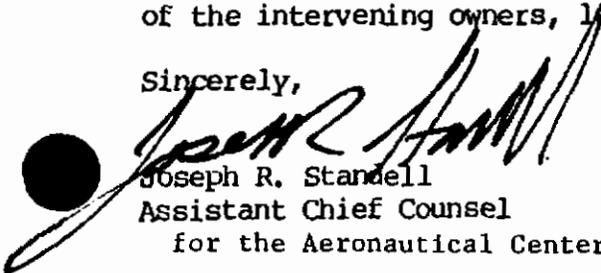
Our review of the May 15, 1984, Final Judgment, filed with the Registry for recordation, shows that it accepted and ratified an attached Stipulation for Dismissal filed in that action between the parties, dated April 30, 1984. The Stipulation agreed that Mr. Conner was to deliver to Northeastern a bill of sale to the aircraft, conveying all right, title and interest in it, and that Northeastern had bought and paid for the aircraft.

Pursuant to the October 31, 1984 Order (now declared to be set aside), registered the aircraft in name of Northeastern. Subsequently, Northeastern sold the aircraft on to other parties. It has been retransferred, mortgaged and leased, according to instruments recorded with the FAA Aircraft records. It is now registered to The Connecticut National Bank as owner Trustee, and leased to C F Properties, Inc.

Accordingly, although the October 31, 1984 Order Conveying Title to Property has been set aside, we are not able to determine that registration to the aircraft should now be placed in Mr. Conner. We are of the opinion that concerned parties should be given the opportunity to comment on weight to be given to the May 15, 1984 Final Judgment which directed the transfer of the aircraft from Mr. Conner to Northeastern, and as well to the property, leasehold and security interests created in the aircraft since the December, 1984, registration to Northeastern.

Therefore, before we advise the Registry to take any action, we ask that you provide us not later than close of business on Monday, November 6, 1989, your information, documentation and analysis concerning 1) present ownership interests in the aircraft, and 2) status of the legal interests of the intervening owners, lessee and security interest holders.

Sincerely,

  
Joseph R. Standell  
Assistant Chief Counsel  
for the Aeronautical Center

October 12, 1989

Mr. James E. Purcell  
77 Sherry Drive  
Atlantic Beach, FL 32233

1994CF (Formerly H162CA); DC-9-62, Serial No. 45956

Dear Mr. Purcell:

This will acknowledge receipt of:

1. An Aircraft Registration Application for the above aircraft in the name of F. A. Conner of Miami Springs, Florida;
2. Five Dollars (\$5.00) cash for the Registration Fees and
3. A court-certified copy of an Order Setting Aside Judgments and Orders entered on the 22nd day of August, 1989 in Case No. 84-05213 CG by the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida.

We also acknowledge that you are the duly designated and acting agent of Mr. Conner in this matter.

We are in the process of delivering the above to the FAA Aircraft Registry for filing and review. Due to the complexity of the registration issues presented, an opinion concerning registration to Mr. Conner will be issued in due course. We appreciate your energetic presentation of Mr. Conner's position in the matter.

Sincerely,

Joseph R. Starnell  
Assistant Chief Counsel  
for the Aeronautical Center

By: K. Bruce Carter  
Attorney Adviser

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