



U.S. Department
of Transportation

**Federal Aviation
Administration**

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

February 3, 1993

H. Burton Lawrence
Department of Finance
Tax Collection Division
City of Hartford
550 Main Street
Hartford, CT 06103

Dear Mr. Lawrence:

Recordability of State Tax
Lien on a Civil Aircraft

This will respond to your letter dated January 26, 1993. You inquired therein about the possibility of recording a municipal tax lien, affecting an aircraft owned by a delinquent tax debtor, with the FAA Aircraft Registry. You have attached, for our consideration, a copy of relevant Connecticut statutes regarding municipal tax liens, along with a blank Form UCC-1 and a property tax warrant.

Based on our review of the Connecticut State Statutes Section 12-195a through 12-195g, it appears that a municipal tax lien authorized by the statutory authority may be recordable with the FAA Aircraft Registry. However, without additional information on State statutory requirements regarding the local filing of such liens, we are unable to provide a definitive response to your inquiry.

As you may be aware, the FAA Aircraft Registry (Registry) is authorized, under Section 503(a) of the Federal Aviation Act of 1958 (Act), to record conveyances that affect ownership of, or interest in, civil aircraft registered in the United States (49 U.S.C. Appx. Section 1403(a)). Historically, the recordation of mechanic liens or State tax liens on aircraft has been somewhat problematic, as it was uncertain as to whether such liens meet the requirements of a conveyance, pursuant to Section 503(a), in order to be recorded. As the Registry is limited to recording only conveyances, a State tax lien that does not meet the criteria for a conveyance is not eligible for recordation.

In considering an appropriate position on this matter, we determined that a mechanic lien or State-authorized tax lien does not meet the definition of a conveyance if it is not supported by a local filing or recording provision within the State legislation which authorizes a claim of lien. In the absence of a local recording provision, a mechanic lien is no more than a claim of an

by State statute to be recorded either at a local State office or with the Registry, it is a conveyance within the meaning of Section 503(a), and is eligible for recordation.

In Section 12-195b of the Connecticut State Statutes, there is clear authority for a municipality to claim a lien based on unpaid municipal taxes. Additionally, it provides that the lien attaches and becomes perfected at such time that the filing requirements of "part 4 of article 9 of title 42a" are met. However, as the filing provision of the Connecticut statutes has not been provided for our review, we are unable to conclude whether a municipal tax lien meets the requirements of a "conveyance" for purposes of recordation, pursuant to Section 503(a) of the Act.

The language of Section 12-195b strongly suggests that a provision for local filing of a tax lien exists in the Connecticut State Statutes. However, we prefer to review the provision in order to provide you with a conclusive legal opinion on the issue of recordability. Therefore, if you wish to provide us with a copy of the relevant filing provision, we will be happy to review it.

In reviewing the blank Form UCC-1 and the property tax warrant, we note that, should we ultimately conclude that a municipal tax lien is recordable, these forms will not suffice as documents suitable for recordation. We will provide you with information as to the form that will be acceptable for recordation at the Registry, once we have completed review of the local filing provision.

We will await your response to your request for a copy of the Connecticut local filing provision for municipal tax liens, prior to providing any further guidance. If you wish to discuss this matter or if you have questions, you may contact Al Rodriguez of this office at (405) 954-3296.

Sincerely,

Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center

By:


Alonso J. Rodriguez
General Attorney