

02/26/08

FAA Information Bulletins Affect Longstanding Policies and Procedures

On Friday, February 22, 2008, the FAA issued three Information Bulletins, all of which are immediately effective. These Information Bulletins will have a significant impact on some longstanding policies and procedures followed with FAA counsel and the public documents room at the FAA (the "Registry").

AFS-751 Information Bulletin 08-04

AFS-751 Information Bulletin 08-04 provides that the Registry will no longer accept registration applications that have handwritten changes or white out changes. The only exception the FAA allows is for the insertion of the name of signatories.

This means that the prior practice of making agreed changes "at the last minute" in order to meet the filing deadline will no longer be possible. The parties will have had to send FAA counsel or the title company a final registration application prior to closing. Interestingly, the Information Bulletin does not make an exception for dates of documents, and other information sometimes not added until the last minute (such as N numbers). Further guidance will be needed, but based on the wording of IB 08-04 all registration applications must be complete, including dates, and any registrations not meeting this standard would be rejected and returned. Further, since there are no time parameters established in IB 08-04 for the FAA to return a registration, it is not certain as to when, if at all, a registration application is accepted; it is not clear if, upon fixing the deficiencies, the registration time would relate back to the initial registration or would be the time the corrected documents are registered.

AFS-751 Information Bulletin 08-01

AFS-751 Information Bulletin 08-01 revises the Registry's procedures for reviewing and approving trusts. The previous practice of sending the trust agreement to Aeronautical Center Counsel for their review and approval has been terminated; now, a "true and complete copy of the instrument creating the trust" (presumably the trust agreement and supplement) will need to be recorded at the Registry and placed in an ancillary file. The FAA is concerned that the public should not be able to receive copies of the ancillary files since there might be protected information relating to individuals. Until the FAA devises a system for dealing with the privacy issues, it will handle records requests on a case by case basis.

AFS-751 Information Bulletin 08-03

AFS-751 Information Bulletin 08-03 revises the Registry's procedures in dealing with aircraft that have been declared as losses and are subsequently refurbished.

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