



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

Office of the Aeronautical Center
Central Region Counsel

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April 8, 2019

[REDACTED]

Dear [REDACTED],

Re: Use of a Registered Agent's Address for an Owner Trustee
Involving a Non-U.S. Citizen Beneficiary Trust Holding N Registered Aircraft

This responds to your request of April 2, 2019, in which you requested our opinion on the appropriateness of an Owner Trustee using the address of a registered agent on documents submitted to the FAA Aircraft Registry. You specifically requested our opinion on the following:

- 1) Does the FAA Aircraft Registry treat registered agent's addresses as mail drop addresses and therefore unacceptable pursuant to Part 47.45;
- 2) Is such treatment a matter of interpretation as to the nature of a registered agent's address or is this type of address an addition to those prohibited without providing a physical address;
- 3) If this is a new form of prohibited address will Part 47 be amended; and
- 4) What addresses for an owner trustee can be shown in the owner trust agreement, aircraft operating agreement and application for aircraft registration.

First, it is our opinion that the use of a registered agent's address is unacceptable to the FAA Aircraft Registry for two reasons. First, the registered agent's address is not the mailing address of the Owner Trustee who is the applicant for registration. Second, the registered agent's address is not the physical address of the applicant for registration.

FAA Form 8050-1 (10/18), Application for Aircraft Registration, calls for the name and mailing address of the applicant [persons shown on evidence of ownership]. Below Form 8050-1's name and mailing address block, there is a Physical Address/Location block

requesting the physical address of the applicant, if that physical address is different from the mailing address already shown on the application.

If the applicant's physical address is not listed on the Form 8050-1, it is our opinion that the Application for Registration is not completed in accordance with 14 C.F.R. §47.31(b)(1). The Code of Federal Regulations, at 14 C.F.R. §47.45, also requires the registered owner's physical address be provided to the FAA following any change of address where a new mailing address is not also the physical address of the registered owner.

Regarding your second request, we do not consider this to be a matter of interpretation. The plain language of Form 8050-1 requires the address and physical address or location of the "owner." The registered agent is an agent of the owner/applicant. The plain language of §47.31(b)(1) provides that the FAA will reject any application that is not complete, the plain language of §47.45 requires that the owner provide a physical address/location if different from a new mailing address.

Regarding your third request, it is our opinion that the FAA has no new form of prohibited addresses. Neither §47.31(b)(1) or §47.45 have changed since July of 2010. Our office has issued our opinion that it is not in accordance with the plain language of these regulations to use a registered agent's address on applications instead of the applicant for registration/registered owner's address.

In your fourth request, you ask what address can be used on applications and supporting documentation? In our opinion, you should use the address of the owner of the aircraft. If an agent is signing on behalf of the owner, that event should be disclosed in accordance with 14 C.F.R. §47.13.

I would remind you that if you intend to use different addresses on your application for registration and the trust or operating agreement, our office will not know this unless your organization tells us in your request for our opinion. It is our opinion that it is permissible to use the owner's mailing address box number on the supporting documents. Again, we have no way of knowing what your submission to the Registry will contain unless you tell us in your request for opinion. If you use a post office box, your cover letter needs to provide the owner's physical address and make a representation to us that you will also be providing the owner's physical address on the Application for Registration to be filed at the Registry. If we do a cursory address check on a street address or box number and find that multiple entities are using that same address, that would be an indication to the FAA that a mail drop is being used. In that event, our office would be unable to provide a favorable registry opinion.

Sincerely,

A. Lester Haizlip
Aeronautical Center Central Region Counsel
Federal Aviation Administration

By: **JAMES M WEBSTER** Digitally signed by JAMES M WEBSTER
Date: 2019.04.08 16:20:58 -05'00'

