



Mechanic's Liens on Aircraft

By Paul Herbers

If you buy, sell, or lease an aircraft with a lien claim against it, you need to call your aviation attorney. This is not a problem that is easy to solve otherwise, unless you are willing to pay the full amount claimed. Most states allow the lien claimant to retain possession of the aircraft pending payment, but if possession is surrendered for any reason, a lien claim may continue by filing lien documents in accordance with the state law.

These types of liens have various names, such as artisan's lien, garagekeeper's lien, materialman's lien, and similar type references. They all have similar characteristics. Valid claims seek payment for materials or labor furnished for the aircraft, and can include storage, fuel, landing fees, and other related items. But all lien claims are not valid. Some claims may be based on items not permitted by the law of the state involved. Some claims may have been filed too late to be enforceable. Some claims may be exaggerated or outright false.

Most states also require the filing of a lien claim with the FAA, and you will find that the FAA is very particular about the documentation supporting a lien. If the paperwork is not correct, it will be rejected. Where appropriate, there may also be a lien claim on record with the International Registry. If you need clarity on whether there is a lien claim clouding the aircraft title, there are several aircraft title companies in Oklahoma City who can run a title search quickly and inexpensively.

Once again, whether you are making a lien claim, or trying to clear a claim from the aircraft title, you should first call a knowledgeable aviation attorney. The laws governing these liens are technical and often complicated. And time limits apply, so that proper action may need to take place quickly. Also, the proper state law may not be obvious, since aircraft move around so easily. Don't try this at home!

Finally, liens may be asserted against engines or other articles as well as being claimed against aircraft. If you are considering an aircraft for purchase, sale or lease, you need to know exactly what you are facing with any lien claim there may be.