

1976 S.C. Op. Atty. Gen. 310 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4450, 1976 WL 23067

Office of the Attorney General

State of South Carolina

Opinion No. 4450

September 16, 1976

*1 Mr. John W. Hamilton
Director
S. C. Aeronautics Commission
P. O. Box 1769
Columbia, South Carolina 29202

Dear Mr. Hamilton:

Thank you for your letter of September 10, 1976, concerning your question as to whether the Aeronautics Commission would have the authority to transfer clear title to your office on the Cessna 210, N30645. I have examined regulations contained in Section 67-4 of the CAP manual of the National Headquarters of the Civil Air Patrol, dated January 3, 1973. Chapter 5 of those regulations provides for the disposition of aircraft. I call your attention, in particular, to Subsection 5-4 of Chapter 5, which refers a commander wishing to dispose of aircraft to attachment 4, which describes the appropriate action to be taken. According to the attachment, the appropriate action depends upon the source from which the aircraft was obtained by the CAP and the present condition of the airplane. This attachment indicates that the approval of the National Headquarters will have to be obtained in any case by routing the request for disposition through the region commander. Particular attention should also be given to Subsection 5-8 of Chapter 5.

Provided that the South Carolina Wing of the Civil Air Patrol properly complies with the regulations contained in the CAP manual, there should be no problem with its having the authority to transfer the aircraft. My law clerk, Emory Smith, talked to Mr. Fraley of your office on September 15, and Mr. Fraley indicated to him that your office was aware of any and all liens or mortgages on the title. If your office has any further doubts concerning this proposed transfer, you might wish to obtain the signature of the South Carolina Wing on a clause in the contract of sale which would provide assurance that the CAP would be liable in case of any defect in the title or transfer.

If our Office can be of any further assistance to you, please let us know.

Yours very truly,

A. Camden Lewis
Assistant Attorney General

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