

## Cape Town Convention Academic Project

Facilitating the study of the Convention on International Interests in Mobile Equipment

# REPORTING ON ADMINISTRATIVE AND OTHER NON-JUDICIAL ACTIVITY

Following an administrative or other non-judicial activity related to the Cape Town Convention and its Aircraft Protocol (CTC) or interaction with an administrative agency in connection with establishing rights under the CTC, all parties involved in such activity or the related transaction (lawyers, commercial parties, or government officials) are invited to complete and submit this reporting form via [email to kyleb22@uw.edu](mailto:kyleb22@uw.edu) copying [jawool@uw.edu](mailto:jawool@uw.edu).

The report must be factual and objective, and may not include speculation, opinion, or any commercial or proprietary information or materials. All other relevant parties should be identified in the report. Any official documents issued by governmental authorities should also be included as appendices and should be cited in the report.

The Cape Town Convention Academic Project (the Project) will review the submitted report against the above terms of reference, and will seek any required revisions.

Once the initial report *prima facie* conforms with the terms of reference, the Project will assign a reference number based on the state and the year in which the activity occurred. The Project will then notify the other relevant parties for which it has contact information, seeking their comments on the report. Those parties will have three weeks to reply or indicate a prompt timeframe to reply. Comments should reference the part of the report to which they refer. Comments must also conform with the terms of reference setout above.

The Project will then attempt to harmonise the contents of the report and any comments into an activity summary (Summary). If the relevant parties approve the Summary (within a three week period), it will be included in the database. If no consensus is reached, the report and all comments will be included in the database, except any information which does not *prima facie* conform with the terms of reference.

In connection with the foregoing notification procedures, please provide contact information for other relevant parties involved in the reported activity.

Please note that no compensation will be provided for your work on reporting or commenting as such is part of the Cape Town Convention Academic Project's ongoing effort to make accurate information about the CTC available to scholars and practitioners.

Capitalised terms used in the report shall have the meanings set forth in the CTC.

**Please send all completed activity reports to the Project Manager at [kyleb22@uw.edu](mailto:kyleb22@uw.edu), with a copy to the Executive Director at [jawool@uw.edu](mailto:jawool@uw.edu).**

# I. Report (R)<sup>1</sup>

Item	Factual Information
1. Date of the transaction	<i>April 10, 2014</i>
2. Creditor	<i>Wells Fargo Bank Northwest, N.A., as Owner Trustee</i>
3. State of Creditor	<i>USA</i>
4. Debtor	<i>Whitejets Transportes Aéreos Ltda.</i>
5. State of Debtor	<i>Brazil</i>
6. State and date of aircraft registration	<i>Brazil December, 2010</i>
7. Summary of transaction structure	<p><i>Wells Fargo Bank Northwest N.A, as Owner Trustee (the “Owner”), leased an aircraft (the “Aircraft”) to a Portuguese entity named White Airways S.A. (the “Lessee”) pursuant to a lease agreement (the “Head Lease”). The Lessee subleased the Aircraft to the Brazilian company named Whitejets Transportes Aéreos Ltda (the “Sublessee”) pursuant to a sublease (the “Sublease”). The Owner and Sublessee were situated in Contracting States. The Lessee was not situated in a Contracting State.</i></p> <p><i>The Owner, Lessee and Sublessee mutually agreed to terminate the Head Lease and the Sublease. The Sublessee, on its own initiative, ferried the Aircraft to Portugal. On March 28, 2014, the Sublessee signed an IDERA in favor of the Owner and on April 9, 2014, the Owner filed the IDERA with the Brazilian Aeronautical Registry (the “RAB”). The Owner simultaneously filed a deregistration request with the RAB. On April 28, 2014, the RAB completed the de-registration process and issued a deregistration telex to the Civil Aviation Authority of Portugal.</i></p> <p><i>Use of the IDERA was consensual among the Owner, Lessee and Sublessee.</i></p>
8. Recordation of IDERA	<i>April 9, 2014 (filing date)</i>
9. Registrations with International Registry	<i>None were made. See comment at the end of this Report.</i>
10. Commencement by Creditor of the exercise of CTC remedies: a) to obtain possession of the aircraft object b) to deregister the aircraft c) to export the aircraft object	a) <i>n/a</i> b) <i>April 10, 2014</i> c) <i>n/a</i>
11. Completion of the exercise of CTC remedies by Creditor: a) possession of the aircraft object	<i>a) n/a; no CTC remedies were needed to repossess</i>

<sup>1</sup> Instructions and educational notes are included in the Annex.

<p>b) de-registration of the aircraft c) export of the aircraft object</p>	<p><i>the aircraft object</i> b) <i>April 28, 2014</i> c) <i>n/a; no CTC remedies were needed to export the aircraft object</i></p>
<p>12. Nature of governmental action sought and taken, including by which authority and where and when</p>	<p><i>Creditor requested the RAB, which is part of the Brazilian National Civil Aviation Agency ("ANAC") to deregister the Aircraft based on the IDERA signed by the Debtor. The RAB accepted the Creditor's request and issued a deregistration telex to the Portuguese Civil Aviation Authority ten business days after the initial request was made.</i></p>
<p>13. Related court order, if any, and timing therefor</p>	<p><i>Not Applicable</i></p>
<p>14. Other CTC related <b>technical information</b> pertinent to the replies to Questions 8 – 13 above</p>	<p><i>This was the first use of an IDERA in Brazil. The de-registration request was filed with the RAB just 21 days after the ANAC rules concerning to Cape Town Convention became effective. For this reason the RAB took almost 10 business days to analyze and accept the de-registration request. According these ANAC rules, the deadline for RAB to analyze and complete a de-registration process based on an IDERA is five business days.</i></p> <p><i>Both the Head Lease and Sublease pre-dated the effective date of the CTC in Brazil, however, all interested parties, Owner, Lessee and Sublessee were in agreement that the IDERA be used to deregister the Aircraft.</i></p> <p><i>No court intervention was required in the deregistration process.</i></p>
<p>15. List and description of attachments, being official government documents</p>	<p><i>Deregistration telex by the Brazilian Aeronautical Registry to the Portuguese Civil Aviation Authority on April 28, 2014.</i></p>
<p>16. List the relevant parties and their contact details</p>	<p><b><u>Creditor:</u></b> <i>Wells Fargo Bank Northwest, N.A., as Owner Trustee</i> <i>Current Address: 299 South Main Street, 5th Floor, Salt Lake City, Utah 84111, MAC U1228-051, United States of America</i> <i>Contact: <a href="mailto:ken.basch@baschrameh.com.br">ken.basch@baschrameh.com.br</a></i></p> <p><b><u>Debtor:</u></b> <i>Whitejets Transportes Aereos Limitada</i> <i>[no longer operating]</i> <i>Contact of Sublessor: Rui de Almeida</i> <i>&lt;<a href="mailto:ruialm@omni.pt">ruialm@omni.pt</a>&gt;</i></p> <p><b><u>Government Contact:</u></b> <i>Brazilian Civil Aviation Agency</i> <i>Ms. Luciana Ferreira da Silva, <a href="mailto:luciana.silva@anac.gov.br">luciana.silva@anac.gov.br</a></i></p>



