



## HIGH FLIGHT *Newsletter*

Lakeway Airpark, Inc.  
March/April 2002

### Message From Your President ...Ken DeBower

Spring is here finally. What a refreshing time of year. Time to fire up the old heavier-than-air craft and get flying.

It is already time to prepare for the **Annual Meeting** which will be held at **Lakeway Activity Center** on **June 10, 2002, at 7:00 p.m.** Mark your calendars. I will have more details about this in the next newsletter.

We also have our sometimes-annual **pancake breakfast** coming up April 20 – see details elsewhere in this issue.

The Board of Directors has **approved** the **construction of one more hangar**. This is the last such hangar that will be approved. It will be built immediately south of the existing hangars, will be the same size as the fourth hangar (the larger size) and will be similar in design and construction to the existing hangars.

Our legal battles continue. We are defending a civil suit and a criminal action and have successfully defended another criminal action, all of these arising from actions taken by Messrs. Skinner, McCutcheon, and one other. So far, these actions have cost the Airpark over thirty nine thousand dollars. We continue to look for ways to bring these to a close as we vigorously defend your Airpark.

As always, we still need **volunteers** to help with ramp check and other duties. Check the Committee list posted on the wall of the shack. Please, please volunteer early and often.



We meet on the **second Saturday** of each month at the Airpark Shack for **workday at 8:30 a.m.** The workday gatherings are always great fellowship and the volunteer help is greatly appreciated. Our **board meetings** are held immediately **afterward at 9:30 a.m.** All members are invited.

Each **Thursday before our workday**, we meet for dinner. This week we will meet at **Rosie's** at 6:30 p.m. on **April 11.**

Safe flying to all.

### "Sometimes" Annual Pancake Breakfast Returns



The Lakeway Airpark is pleased to announce it is once again hosting a Pancake Breakfast. This year's event is on Saturday, April 20, 2002, from 8-11 a.m. For the small fee of \$5.00 per person (\$3.00 for children 10 and under) gets you all you can eat pancakes with all the usual trimmings. Bonnie Thompson is coordinating the event, so if you need more information and/or want to volunteer to help out, by all means give her a call at 266-3227 or email her at [bonbonthom@aol.com](mailto:bonbonthom@aol.com). She will also have a sign-up sheet available at the Board meeting on Saturday, April 13. If you can't volunteer to help, at least come by and eat your share of pancakes and make fun of the rest of us doing the cooking and pouring.

### Have You Visited Our New 3R9 Web Site?

Thanks to Joe Bain, Lakeway Airpark has a new official web page. Point your browser to [www.3r9.org](http://www.3r9.org) and check it out. It features news and reports of what's happening at 3R9 and even posts newsletters – for those of you who might misplace your hard copy. If you have any ideas for the new site, please email [joe@bain.net](mailto:joe@bain.net).

### Sign Up for Your Very Own 3R9 Email Address

Have you ever had to change Internet Service Providers (ISP)? If so, chances are you also lost contact with everyone that knew your old email address. Why not set up a **permanent email address** with a 3R9 extension? For a small fee (which helps pay for the Lakeway Airpark website) you can forward these addresses to your current address, use them as a POP3 address (send and receive through Outlook, Netscape, Internet Explorer), or view your mail right on the web. Just give out your new 3R9.org address *and never change it again!* For more info see: [www.3r9.org/email\\_3r9.htm](http://www.3r9.org/email_3r9.htm)

### Local GA News and Notes

**GA hangars** at **AUS** are now being occupied. It's said that the service provided by Signature FBO is really great. The hangar area pilot's lounge is also now fully operational, with restrooms, television, and weather station with printers. After many meetings with City officials, security and insurance measures were finally ironed out with input and help from a newly-formed Hangar Association, TXAA and AOPA, among others.

**Kittie Hill** (77T) airport in Leander recently received a reprieve from possible demolition. Plans were for a new county road to go right through Kittie Hill. Thanks to public support, Williamson County decided to make the first phase of the road stop west of the airport.

## Local GA News and Notes - continued

Phase two is currently planned to swing north of the airport to join the Parmer Lane extension. While there is no guarantee that phase two will proceed as promised, supporters remain hopeful that they won't have to mount the same "save the airport" campaign two to five years from now. In the meantime, the City of Leander has applied to have Kittie Hill named the location of the new Central Texas Airport. If you'd like more information, call 512-259-0350 and leave a message for Charles Densford, the airport owner.

## Web Places to Visit

Tired of hanging onto your beat up, dog-eared aircraft or pilot logbooks? You may want to take a look at [www.PlaneLog.com](http://www.PlaneLog.com)'s subscription service. It allows you to customize and compile your logbooks and access them from anywhere in the world. The Pilot Log keeps track of flight time, has prompt alerts and helps maintain currency. Aircraft Log stores vital aircraft records and tracks and maintains all critical data. Both logs also allow you to print hard copies for 3-ring binders. What'll they think of next?

## Aircraft Owner Liability for Air Crashes

(Part 9 in a Series) ...John C. "Rusty" Allman

## PROTECTION FOR "DEEP POCKET" AIRCRAFT OWNERS

What can individual owners do who have substantial assets and are concerned about liability exposure for the actions of others who are piloting or maintaining their aircraft? (Remember, if you're "operating" your own aircraft, your best protection is lots of aviation insurance).

The following sections provide a partial list of issues of concern to owners who have substantial assets and liability exposure. These matters should be discussed by an individual owner with his or her lawyer, when structuring aircraft ownership, in an attempt to minimize liability exposure.

### **Using Corporations To Minimize Aircraft Owner Liability Exposure**

A corporation or limited liability company may be established to own an aircraft as an asset under the laws of many states. The FAA allows corporations to register domestic aircraft ownership subject to certain limitations. Under some circumstances, a corporation or LLC, which is a separate legal entity from the individual, may provide a measure of protection for an owner's vicarious liability (for example, from a co-owner's negligence).

Forming corporations and LLCs often works fine to protect corporate stockholders from personal liability resulting from corporate business debts. Stockholder immunity may be more difficult with regard to air crash liability. Plaintiffs rarely "pierce the corporate veil" of large aviation corporations in air crash disasters. However, small, closely-held corporations may be more vulnerable to such

## PROTECTION FOR "DEEP POCKET" AIRCRAFT OWNERS - continued

attacks, particularly where the individual stockholders have used the corporation as an "alter-ego" to carry on their personal business through the facade of a corporate entity. While such protection may work for owners, it may be very difficult for the pilot-in-command "operator" who owns all the stock of his corporation, to avoid individual liability by simply operating through a corporate shell. There is much misinformation spread on this subject, often as a result of bookstore guides encouraging formation of corporations for liability protection.

The laws in most states allow plaintiffs to "pierce the corporate veil" and hold individual stockholder's liable, if the use of a corporate entity would allow stockholders to circumvent statutory obligations or defraud creditors. Stockholders may be vulnerable if they run their corporation as an independent and bona fide business entity. For the corporate entity to be a true shield, the stockholders must not only scrupulously comply with all state laws and regulations pertaining to corporations, but they must adequately capitalize the business. Thus, while it may be prudent to own an aircraft through a corporation, the corporate entity is not always a guarantee against personal liability.

### **Leases And Leasebacks To Avoid Personal Owner Liability**

In some states, one of the most effective ways for an owner to minimize or avoid personal liability is to enter into a long-term lease with an FBO that takes control of the aircraft. The owner/lessor contractually negotiates with the FBO to assume all responsibility for the safe operation and maintenance of the aircraft. By contract, the FBO/lessee becomes the operator of the aircraft and is responsible for its maintenance. Often, favorable terms for owner-rental of the aircraft can be arranged. The passive lessor/owner can avoid liability in many states, as long as the owner did not know of any defect in the aircraft when he turned over custody to the FBO. With a properly structured lease, an owner should only be exposed when he personally pilots his own aircraft. Here again, an aviation attorney in your state can best structure ownership and a lease so that you are protected.

*NEXT ISSUE: "Additional Protection"*

## Upcoming Events

...Ginger Baldwin



April 11 – Dinner at Rosie's – 6:30 pm

April 13 – Lakeway Airpark Workday – 8:30 am

April 13 – Burnet Airshow

April 20 – Lakeway Airpark Pancake Breakfast

June 10 – Lakeway Airpark Annual Meeting 7:00 pm – Lakeway Activity Center

Also, check the local EAA web page calendar for more events: <http://www.eaa187.org>.

## New Email Group List

If you haven't already, don't forget to sign up for the new Lakeway Airpark group email list for Members of the Airpark. This is a low volume list and a great way to receive reminders about activities, learn what's going on at 3R9 and to stay in touch with other Members. If you want to be included on this list, please drop Joe Bain a line at [joe@bain.net](mailto:joe@bain.net).

## FAA Proposed Sport Pilot Certification

Unless you've been under a rock lately, you've probably heard about the FAA's new proposal for a Sport Pilot certificate. This new certification applies only to simple, low-performance aircraft of 1232 lbs maximum weight, hold two occupants, have a single non-turbine engine, a stall speed of 39 knots, max airspeed of 115 knots, and fixed landing gear. New airman, flight instructor and repairman certificates would also be established for this new category. The main purpose behind the new rules for this category is to "make recreational flying safer and [more] affordable while keeping it fun", according to FAA Administrator Jane Garvey. For more information on this new certificate, check [www.aopa.org](http://www.aopa.org), [www.eaa.org](http://www.eaa.org), or [www.faa.gov/avr/afs/sportpilot/](http://www.faa.gov/avr/afs/sportpilot/). If you or someone you know has always wanted to learn to fly, this may be just the ticket.

## You Can't Stuff Your Airplane...

...but you CAN have it made into a customized model. Bader Models, founded by a fellow who grew up living next door to the Daharan International Airport, will custom make a replica of any aircraft, including yours. All you have to do is provide aircraft type, modifications and the paint scheme, plus about \$350. The information is supplemented by research in an aeronautical reference library, then used to create a detailed cardboard model which is superimposed onto mahogany as the outline for the finished model. So, if you love your airplane and want to "keep it" after it's gone or just as a reminder on crummy flying days, take a look at [www.badermodels.com](http://www.badermodels.com).

## Coming Soon!

### Aviation Security at a GA Airport Near You?

A recent article in AvWeb's February 25, 2002, edition of AvFlash reported that, in the wake of the 9/11/01 attacks and the intentional January 2001 GA crash by a student in Florida, several states are beginning to make noises about efforts to tighten GA security. South Dakota, Maryland, and Oklahoma are states in which legislation has been introduced, proposing everything from photo ID cards with fingerprints, mandated criminal background checks, to making it a felony to instruct non-U.S. citizens. Aviation alphabet groups (AOPA, EAA, TXAA, etc.) will, no doubt, keep an eye on these types of pro-posals. It will be interesting to see how our Texas legislators react when the Texas 78<sup>th</sup> Legislative Session convenes in January 2003.

## Aviation Quotations

"No flying machine will ever fly from New York to Paris."

- Orville Wright

"Pilots take no special joy in walking. Pilots like *flying*."

- Neil Armstrong

## Editor's Corner

...Ginger Baldwin

Speaking of **VOLUNTEERS** (weren't we?), I want to welcome **Grant Kaiser** as the Airpark's new **Maintenance Officer**. Grant is the great fellow whom you'll need to call if you notice anything around the Airpark that needs fixing, painting, mowing, chopping, clipping, cleaning, or otherwise to be maintained. You can reach him at 266-7946. A big "thank you" to Grant for stepping up to the plate and filling an important post.

We'll remind you again (and probably again after that), but please don't forget to mark your calendars for the Lakeway Airpark **Annual Meeting**, slated for **Monday, June 10, 2002**. It will start at 7:00 p.m. at the Lakeway Activity Center.

I don't know about you, but it seems like I've noticed a lot more air traffic lately in Lakeway. It's probably got a lot to do with the weather, but whatever the cause, it's all the more reason to remain extra vigilant at the Airpark. Use your radios to announce positions both in the air and while taxiing, pay attention when walking on the ramp, and practice **common courtesy** in general.

I'd like to encourage any or all of you who are so inclined to **send me information**, tidbits, articles, or news items for the newsletter.

On the topic of news items, did you get to see the nice, although brief, article about the Airpark in the Lake Travis View? It even had a color photo. It was nice to see some good publicity about the Airpark for a change.

Take advantage of our great spring weather to stay proficient and practice your crosswind landings(!).

Until next time, here's to tailwinds both ways.

- Ginger

You may reach Ginger at [gingered27@3r9.org](mailto:gingered27@3r9.org) or via fax (512-472-3971) or snail mail to 111 Morning Cloud St., Lakeway, TX 78734.



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**We're on the Web: [www.3r9.org](http://www.3r9.org)**