



# Experimental Aircraft Association

## CHAPTER 393

### Concord, California

January, 1989

#### CHAPTER MEETING

January 25, 1989 Wed. 7:30 PM  
Buchanan Terminal Building  
Concord Airport.

#### PROGRAM

Warbirds

Bill Larkin will present a slide show and discussion on warbirds.

#### MINUTES OF DECEMBER MEETING

The Christmas Banquet replaced our regular meeting last month. The banquet was held at the Concord Elk's Club. General merriment got under way about six with dinner at eight. During the merriment we had a slide show of members' projects, courtesy of Rich Powell. Thanks Rich. After dinner awards were presented. Lou Ellis took home the Member of the Year Award, congratulations Lou. A good time was had by most everyone, but next year the dinner will be at a new location. A special thanks to Bill Deprosse and Bob Graves for bring goodies to munch on before dinner.

#### DUES ARE DUE!

If your last name begins with any of the letters A thru K your dues, a mere \$15.00 a year, are due. If you are not paid up within 90 days this could be one of the last 393 NL's you read. Still not sure when to pay? Check your mailing label.

#### PRESIDENT'S MESSAGE

Happy New Year and CAVU to you.

#### GENTLEMEN, "START YOUR PENS"

At presstime, theirs and ours, EAA HQ has learned that the EAA/AOPA/HAI petition has been issued as an NPRM.. with a deadline for public comment of Feb. 1, 1989. EAA HQ urges each of you to write...immediately... in support of the petition to create a buffer zone under the outer layers of TCA's, extend the deadline for manufacturing and installation of Mode A/C transponders and raise the enroute Mode C floor to 10,500 feet MSL.

Send your comments, in duplicate to: FAA, Office of the Chief Counsel, Attn: Rules Docket (AGC 204), Docket No. 25753, 800 Independence Ave. SW, Washington DC 20591.

As in the case of the TCA NPRM 88-2, you should also send copies to your U.S. congressman and senator.

#### THANKS

Thanks to everyone that contributed something to the newsletter last year. And to those people that promised (or promised "maybe") to send me something, I'm still checking my mail everyday.

#### VIEWPOINT

No opinions expressed this month. Maybe next month? Remember, no news is no news.

## AIRPORT DAY

We need a chairperson for Airport Day 89. It will be held on June 24th. All volunteers should contact Rich Powell. Remember, this is a chance to serve the Chapter, the airport, the city and aviation in general or is that general aviation.

## UNCLASSIFIED

**Fly Baby** for sale, less than 100 hrs TTSM & recover, by A&P. Cub yellow & international orange, similar to GB. "Great Toy" \$6500.00 Call Neil Reid at 415-927-7700 or 415-664-2296.

**For Sale:** Gary Grover's SCAMP, sgl place alum tri-gear biplane. 90% complete incl rigging, VW Eng. Needs minor sheet metal. prop, insts and radio. Call Pat Campbell, 415-689-7212, Concord.

**PRO-SEAL KITS** in 1 pint, two part kits! For only \$17.00! (Aircraft Spruce sells Pro-Seal equivalent kit for \$30 +) Great for sealing any pressure line. Resist Fuel, Oil, break-fluid, etc. This is The Rubberized Epoxy! Limited Supply on hand. Call Rick Lambert @ 676-9377.

**Tri-Q/Q-200** Needs new type canard built, fuselage finished to painting, nice panel, no firewall forward. \$5500.00 Ron Partain, 415-779-0442 or 924 Flintrock Dr., Antioch, CA 94509

Have single seat **Acro Sport** biplane and some loose change. Would like older four seater (Piper or Bonanza) Call Fred Kros (415)399-3716.

**Wanted: prop hub** for a taper shaft, A-series Continental. Call Dennis Colomb (707)429-0693.

**Glasair windshield 3/16"**. Make offer. Steve Macica (415)792-7510.

**Glasair kit.** \$10,750. Norm Alumbaugh, P.O. Box 200, Pope Valley, CA 94567. (707)965-2709.

**Precision welding.** Aluminum, stainless, 4130. Eric Schuldt, 1820 Baldwin Dr., Concord, CA 94519. (415)827-0259.

**Soft-Com Headsets** with-out the Intercom Unit (still avail. from Soft-Com). They work great and \$75.00 for the two pair is a bargain! Larry Laughlin @ 758-3532.

**Wanted: Cessna 170B** or early model 172. Also need Lyc. 0-360 for my T-18. Jordan Coonrad (415)769-9766.

**Note.** Unclassifieds are free and easy. Just call Jordan Coonrad at (415)769-9766 or leave a message.

## CALENDAR

Jan. 25  
Chapter 393 Meeting  
Feb. 14  
Chapter 393 Board Meeting  
March 7  
Glasair Group Meeting  
April 9-15  
Sun 'n Fun EAA Fly-In  
June 24  
Airport Day

## OFFICERS

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# The Law and the Sale of Your Homebuilt

The following reproduced from EAA Ch. 124 Newsletter, Santa Rosa CA.

Remo Galeazzi, 1988

I know nothing about the law, and do not purport to have any real answers, so you should understand that the following thoughts are only my conclusions along with some information that I have gleaned from my lawyer's advice, and should not be taken as gospel.

All of us in EAA have been greatly concerned of late with the liability factor when a homebuilt is sold. Prior to the sale of my Charger I thought it would be prudent to visit a lawyer and see if I could give myself the edge in the event of litigation. I found that you can--sort of, but not completely. The fact of the matter is that, as the builder, you are considered the manufacturer, and in that capacity, you can be held responsible for the performance of that aircraft. Not only that, but you can be held responsible forever. That is to say, that the aircraft can be sold by the original buyer, and that buyer can resell to another buyer, ad infinitum, but you are the manufacturer and therefore still considered the one responsible.

Just because someone sues you, however, does not mean they are going to win, especially if you are well armed. Lawyers do depend on the ignorance of the jury in these matters, and that's the real rub. If jurors that were knowledgeable on the subject of homebuilding, etc. were allowed to serve on juries, I would bet two bits to a quart of coonmilk that not many of these cases would even come to trial. But, even if you win, it's going to cost to defend yourself.

Anyway, homebuilts are indeed bought and sold, and not everybody is out there, suing, so if you do the best you can in protecting yourself, the chances of a clean deal, it seems to me, is still possible.

I understand that the following stipulations are pertinent:

- A. Buyer should represent that he has had ample experience in an aircraft at least similar to the one he is buying.
- B. Buyer represents that he has had the opportunity to inspect said aircraft, has inspected it, and is relying on that inspection as opposed to any documents such as log books, etc.
- C. Acknowledges that aircraft is classified as experimental and seller is not in the business of building and selling homebuilts. Acknowledges that aircraft is built by an amateur and is classified experimental.
- D. Acknowledges that there are no expressed or implied warranties and that he is purchasing the craft based on his inspection and of a Licensed Aircraft Inspector, should he choose to hire one.
- E. Agrees that seller shall not be liable for any damages of any kind arising out of seller's ownership of this aircraft including, but not limited to, damages arising out of negligence (such as negligence in designing, construction, repairing, maintaining or inspecting the aircraft), breach of warranty, and strict liability.
- F. Buyer agrees to indemnify and hold seller harmless from any and all claims brought by any individuals as a result of use of said aircraft. Buyer agrees that, in the event he sells that aircraft, he obtains a similar agreement from the new buyer including the indemnification from any claims not only as to present buyer, but present seller also.

Read that last one very carefully. When you go to your lawyer, all of the above should be covered, plus it wouldn't be a bad idea to bring him the copy of the November 1985 SPORT AVIATION. The article contained therein by James E. Schacht, Esq., entitled "How Can They Sue Me? I Don't Even Own The Aircraft Anymore!" is invaluable and will give your attorney a good round picture of sport aviation law.

All of the items "A" to "F" are represented at least in part here, but in their entirety on the document that the buyer signed when he purchased my Charger.

**THIS SPACE AVAILABLE**

Business card ads (subject to board approval) from EAA members are \$35 a year. Send your ad and check to EAA Chapter 393, PO Box 2269, Walnut Creek, CA 94595.

RICHARD S. POWELL



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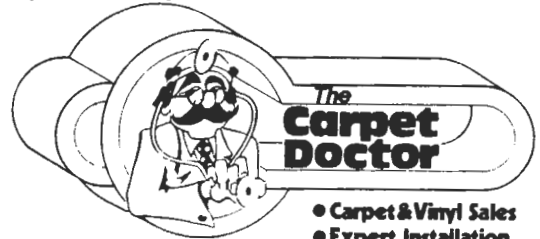
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DUES ARE DUE! 12/88

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