



Illinois Valley Beacon

July 2014

Chapter 563 Chartered in 1976

Volume 21 Issue 7

This newsletter is the official publication of EAA Chapter 563, located in Peoria, IL. It is published once a month, the week before the first Chapter breakfast on the first Saturday. Please submit articles to be published ten days before the end of the month to: M. Caudill, 5320 N. Sherbrook Ln., Peoria, IL 61614 email: flyvfr@comcast.net

EAA CHAPTER 563

June 12, 2014 Chapter Meeting Minutes

Meeting called to order at 7:00 by Chapter Vice President Steve Bonfoey

Sam Sisk stated the he has resigned as President of the chapter to simplify his life a little.

Secretary Report:

Minutes from May Board meeting were read by Don Wolcott

Treasurers Report:

Jerry Pilon provided a treasurers report covering the year to date finances. Steve asked him to discuss how the reduction of rent from 2 planes in the hangar affects the rest of the year. With one new plane in the hangar there is a net minus one paying rent of \$160/mo. Will need to find a way to replace this income.

Committee Reports:

Youth Outreach: Al Phipps stated that the planned Young Eagles event, at the Pekin Airport Wings and Wheels event to be held next Saturday, will provide flights from 9:00am until 12:00 pm. There are currently 4 planes and Pilots committed to fly. Still need some ground support.

Steve brought up the need for a vote for a new standing rule #14 establishing an investment committee to provide suggestions to the Board for investing some of the Chapter cash assets. Sam made a motion to adopt the new Standing rule #14 seconded by Dewey, and approved by voice vote.

Greg made a suggestion that we start recruiting interest from individuals that might be interested in filling some of the officer positions for the year 2015.

Morrie stated that a museum in Alabama contacted him about the plans we have for the BD5 that was built and donated by the chapter to the Wheels of Time. This museum in Alabama has the materials to build a BD5 but no plans to build from and had asked if we would donate the plans to them. Everyone agreed that we should do this.

New Business: None to conduct

Jeff Meyer was not in attendance and therefore the movie he was going to show for the rest of the program for the evening was not available.

Meeting Adjourned at 7:25

Respectfully Submitted:

Your Secretary: Donald T. Wolcott

MINUTES OF EAA 563 BOARD MEETING

June 19th, 2014 at the Chapter Hanger

Meeting called to order by Vice President Steve Bonfoey at 7:15 pm

Those Board Members in attendance were Jerry Pilon, Morrie Caudill, Greg LePine, Steve Bonfoey and Donald Wolcott with four chapter members in attendance.

Secretary report: Minutes from May Board meeting were read and approved as read.

Treasurer's report: Jerry Pilon provided a report on month to date and year to date income and expenses. Approved by voice vote

Membership Chair: No report
Publications Chair: No report
Program Chairman No report
Donations Chair: No report
Property and safety Chair: No report

Youth Outreach: Al Phipps reported that the Young Eagles Event held at the Pekin Airport went fairly well. There were four pilots with planes that flew 30 Young Eagles. He also stated that the turnout for the Wings and Wheels event held at the Pekin Airport was very good.

Public Relations: no report
Special Events: no report

Old Business: Steve, chair of the the Investment Committee went over the forms provided by Vanguard Funds that were needed to set up an account in the Vanguard Equity Income Fund as recommended by the investment committee. A motion was made by Steve to have the board approve an investment in this fund. Seconded by Jerry. Don Wolcott abstained from voting. The motion passed with one nay vote.

New Business: Kent Lynch discussed our role in attending the Peoria Airport Authority Board meetings. We need to have the items we would like brought up at the meeting communicated to which every member will be attending. Kent also thought that we should rotate this designated person regularly.

Morrie reported that a founding member of the chapter, Guy Snyder, passed away and we should do something in remembrance. Greg made a motion that we donate \$50 to the Bartonville Rescue Squad as one of the suggested entities to donate to. Seconded by Don. Passed by voice vote.

Greg brought up the need to start taking requests from the membership for those individuals that would like to serve as an officer or director for the year 2015. Greg was going to determine how we would be notifying the membership of this request.
Meeting Adjourned at 8:25

Respectfully submitted:
Your Secretary: Donald Wolcott

NEWS LETTER ITEMS

NONINATION CHAIR PERSON & COMMITTEE

EAA 563 needs your help with nominations for 2015 and we are starting early. If you would like to be on the Chapter board and run for office and are willing to chair a committee, this is your chance to do so. Think about this; if you are wanting to change the future of the Chapter, run for office and let it be known. The nomination committee will be contacting everyone—be ready.

SURVEY

We also need to run a survey with our members as to when they would like to hold meetings;

Check off the box you like :

Daytime Meetings ☐

Evening Meetings ☐

Monday ☐

Tuesday ☐

Wednesday ☐

Thursday ☐

Saturday after the 1st Breakfast 10:00AM
☐

Bring the survey to the membership meeting or email your selection to Greg at
lepinegm@comcast.net

DONATIONS

We are also seeking Aviation Donations. This could be Airplanes, Projects, Plans, Materials, Models, Instruments, Cash or whatever Aviation related. We sell these donations and the proceeds are used for Young Eagles and Our Explorer Post that we sponsor.

Any other ideas out there let us know, this is your club.

Thanks
Greg LePine

Young Eagles

Flown at the Pekin Airport Days fly in

The Young Eagle flights conducted by Chapter 563 went very smoothly at the Pekin Fly In/Drive In event June 14th. Thanks to the pilots who donated their time (and fuel) to make it happen. Dick Barthel, Ken Gresham, Ted Lambasio, and Jeff Meyer. Thanks also to the ground crew, Rob, Al, and Jim who had to handle all the legal paper work. We were open for business from 9:00 till 12:00 and managed to fly 32 Young Eagles. And—they all ended with a smile.



Chapter 563 Officers 2014

President/Vise Pres. Steve Bonfoey, 4620 W. Hetherwood Dr., Peoria, IL, 61615. 6926272, bonfoeys@sbcglobal.com
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Young Eagles: Al Phipps, 6305 N. Suffolk Dr., Peoria, IL 61615, 693-2943, eli2arl@aol.com
Flight Advisor: Sam Sisk, 7214 W. Legion Hall Rd., Dunlap, IL. 61525, Ph. 243-5729 sesisk@gotsky.com

LEGALITIES



This article was published in KitPlanes magazine and is an important reminder to those of you selling or trading airplanes. Especially homebuilts.

Selling a homebuilt.

The old adage that all good things come to an end applies throughout our lives, and in the case of a person who has built his own airplane, that time comes when the airplane is sold to the next owner. As hard as it may be to fathom the idea of selling during the years while the airplane is under construction, and while the builder is flying it, eventually the builder's pride and joy will find a new home.

Builders of homebuilts are generally not subject to the same product liability laws as factories that produce type-certificated aircraft. While space here doesn't permit a discussion of what is known in the law as "strict liability," homebuilders are not usually strictly liable for the safety of the airplanes they build. But that doesn't end the discussion because strict liability is just one of the legal theories under which producers of products can be liable to those who suffer harm at the hands of those products, whether the product in question is a car, step ladder, chainsaw, or aircraft.

Some lawyers and ultra-conservative pundits will advise a homebuilder to never sell the aircraft in a whole state. Rather, the ultimate protection is to part it out and sell the various parts to different buyers, so that no one person can reassemble the airplane and fly it again as it was in the hands of the original builder. Looking at the history of the few cases that have emerged after a homebuilt was sold, that advice, while certainly sound, may be a bit over the top. But we have to remember that homebuilts have lots of

unique aspects, and the potential liability of the builder to a subsequent owner, or to a passenger of an owner down the line, cannot be ignored.

We live in a litigious society and when an aircraft accident occurs that results in injury or death to an occupant, it's likely that some sort of lawsuit will follow. When the airplane involved in the accident is a normal, factory-built product, the targets of a suit may be the original manufacturer, the engine manufacturer, a maintenance facility, the pilot, or all of them. When it comes to a homebuilt, except for manufacturing the engine, one person usually fits all of those other roles—the person who built the airplane and who probably maintained it after it was completed.

If the original builder can be found to have committed some sort of negligence in construction, such as using hardware store fasteners or other items, rather than aircraft grade materials, he may be

negligent. Thankfully, we don't see that kind of shoddy work going on much anymore, especially in the construction of airplanes from quality kits. We cannot eliminate all of the risks in life, and there is some risk when a homebuilder chooses to sell the complete airplane to a new owner. You can't control how that buyer will fly, how safe or good a pilot he may or may not be, and how he will maintain it in the future. We all have to evaluate our own level of risk tolerance. If you built the airplane well, used quality materials, and didn't vary from the kit manufacturer's plans and instructions, you may well decide that you want to sell the airplane and not part it out.

So, given that decision, can we do anything to protect the original builder? Yes, actually quite a bit. Start out with a conversation with a knowledgeable and competent aviation lawyer and get a written sales contract prepared. It'll cost you a few dollars, but the money will be



Jerry Eichenberger

Jerry Eichenberger is an actively practicing aviation attorney in Columbus, OH since 1975. He is also an FBO owner, commercial pilot rated for single- and multi-engine airplanes, helicopters and gliders, and is a CFI and multi-engine rated flight instructor.

well spent. Depending upon the law of your particular state, you may be able to disclaim a lot of the grounds on which a lawsuit could be based. In particular, the contract should clearly state that there are no warranties of any kind, implied or expressed, that accompany the sale of the aircraft, and that the airplane is being sold "as is, where is," or language of similar intent that is effective in your state.

Further, the contract should clearly say, even though it's obvious, that the aircraft is amateur built, and that it does not comply with the standard rules for certification of standard category aircraft, be they for flight characteristics and handling, methods or materials of construction, or occupant safety.

Then insert provisions in the contract that the buyer has had the aircraft inspected by maintenance personnel of the buyer's own choosing (shy away from any buyer who won't have a thorough pre-buy inspection done), and that the buyer himself has also carefully inspected the airplane, and is relying solely upon all

of those inspections as to the condition, construction, and safety of the airplane.

There are two more special provisions to be included in the contract. Get an indemnity clause whereby the buyer agrees to indemnify the seller and hold him harmless from any liability, including attorney fees, related to any litigation if the seller is subsequently sued by either the buyer, a passenger of the buyer, or a further buyer down the chain of future owners, or their passengers. The last special provision is to agree in the contract that it will be construed in accordance with the laws of the seller's state, and any suits to enforce the contract will only be brought in the seller's state.

The contract should also cover the normal terms of any aircraft sales agreement such as conveyance of good title, price, terms of payment, and the place of delivery. The few dollars that a seller will spend to get a good contract prepared may pay off at many times the small investment, should trouble rear its ugly head down the road.

The world of homebuilt aircraft offers many advantages that aren't present in factory-built machines. As homebuilders, we all know this, and that's why we're here in the first place. Take the same care in selling your homebuilt as you did planning for it, building it, flying it, and maintaining it. By doing so, and getting competent legal advice and assistance, you can reduce your risk in selling a complete airplane to a reasonable level with which most of us can sleep at night when our airplane is giving someone else at least a bit of the enjoyment that it gave the pilot who built it. ✈

*Note: This article is **not** intended, nor should it be considered and relied upon as legal advice applicable to any specific situation or contract. It is intended for general information only, and both the seller and buyer of any aircraft, factory built or homebuilt, should seek the services of a knowledgeable and competent aviation attorney before agreeing to or consummating any aircraft purchase or sale.*

Illinois Aviation

July 18, 10:00AM - 4:00PM

Prairie Aviation Museum Open Cockpit Day

Central Illinois Regional Airport, Bloomington, IL

Mike Salter 800-668-7082, legsystems@salter.com

July 20, 7:00AM - 11:00AM

EAA Chapter 1315 Fly-In/Drive-In Breakfast

Taylorville Municipal Airport, Taylorville, IL

Bill Newberry (217) 624-2707, billnewberry@taylorville.net

July 28-August 3

EAA AirVenture

Oshkosh, Wisconsin

AUGUST

August 10, 7:00AM - 11:00AM

EAA Chapter 948 Fly-In /

Drive-In Pancake Breakfast

Horlenbower Airport, Lockport, IL

J. Horlenbower (815) 862-2573

August 10, 7:00AM - 12:00NOON

EAA 1414 Fly-In/Drive-In Pancake Breakfast

Poplar Grove Airport, Poplar Grove, IL

Deer May (815) 544-0275, dkmay757@gmail.com

August 18, 10:00AM - 4:00PM

Prairie Aviation Museum Open Cockpit Day

Central Illinois Regional Airport, Bloomington, IL

Mike Salter 800-668-7082,

legsystems@salter.com

August 18, 8:00PM - 10:00PM

1940's Style Hangar Dance

Ogle Airport, Mt. Morris, IL

Joey Miller (815) 751-6545, jbmiller@mtmorris.com

SEPTEMBER

September 1, 11:00AM - 2:00PM

EAA Chapter 15 Pull Pork Lunch

Shurwood (Low) Field Private Grass Field 09-27,

Cliffington, IL

Reg Lynn (815) 838-0747

September 4-6

8th Annual Plane & Pilot Midwest LSA Expo

Mt. Vernon Cultural Airport, Mt. Vernon, IL

(815) 242-7076, www.mtvernonexpo.com

September 14, 7:00AM - 11:00AM

EAA Chapter 948 Fly-In/Drive-In Pancake Breakfast

Horlenbower Airport, Lockport, IL

J. Horlenbower (815) 862-2573

September 14, 7:00AM - 12:00NOON

EAA 1414 Fly-In/Drive-In Pancake Breakfast

Poplar Grove Airport, Poplar Grove, IL

Deer May (815) 544-0275, dkmay757@gmail.com

September 14, 7:00AM - 12:00NOON

Fly-In Breakfast

Ogle County Airport, Mt. Morris, IL

Dr. Glen Orr (815) 732-7288

September 20, 10:00AM - 4:00PM

Prairie Aviation Museum Open Cockpit Day,

Cruise-In and EAA Chapter 129 Young Eagle Flights

Central Illinois Regional Airport, Bloomington, IL

Mike Salter 800-668-7082, legsystems@salter.com

September 21, 7:00AM - 11:00AM

EAA Chapter 1315 Fly-In/Drive-In Breakfast

Taylorville Municipal Airport, Taylorville, IL

Bill Newberry (217) 624-2707, billnewberry@taylorville.net

September 26

Illinois "Fly Your Plane to Work Day" 2014

OCTOBER

October 12, 7:00AM - 12:00NOON

EAA 1414 Fly-In/Drive-In Pancake Breakfast

Poplar Grove Airport, Poplar Grove, IL

Deer May (815) 544-0275, dkmay757@gmail.com



The Regular Chapter 563 meetings are held at the Chapter Hangar at 7:00pm on the second Thursday of each month.

All Chapter 563 breakfasts will be held at the Chapter Hangar from 8:00 am to 10:00 am on the first and third Saturday mornings.

The Chapter 563 Directors meetings will be held at the Chapter Hangar on the third Thursday of each month at 7:00pm. Everyone is welcome to attend.