

*Art. 1042.* (Persons who may bring the action.) A plea for an action in limitation may be brought by the operator and, when the cause of action is for amounts due for damages caused to third person on the surface, by the insurer.

*Art. 1043.* (Plea for commencement.) A plea for commencement shall be made before the court of jurisdiction in the sense of Article 1041.

The complaint shall indicate the name, connection, nationality and domicile of the complainant and shall include a declaration of residence and election of domicile by the complainant himself in the place where the court of jurisdiction is located, a detailed description of the aircraft, the place where it is and the accident which gave rise to the liability.

Simultaneously with the complaint and under penalty of dismissal, the complainant shall deposit with the court clerk:

a) The airworthiness or test certificate or a certified copy thereof;

b) a list of names of creditors subject to the limitation with information on their domicile, title and the amount owed to each;

c) the note of coverage required by the Air Ministry, or the insurance policy if the action is for compensation for damages caused to third parties on the ground.

*Art. 1044.* (Opening judgment.) After verifying the existence of the legal limitations in accordance with the plea of the operator or insurer, the court shall render judgment declaring the limitation proceedings opened. By the same judgment it shall designate a judge to determine the assets and liabilities, to allocate the amount and to inform the parties opposing the opening judgment, and to determine the assets and the status of allocation; he shall set the date for a statement of the assets within ten days from the date when the judgment was published; for the purpose of presenting this claim and title to the court, he shall grant to the creditors a time period not exceeding thirty days from publication of the judgment and sixty days for creditors domiciled abroad; within sixty days from expiration of the longest time period granted for presentation of claims and title of the creditors he shall set the date for a statement of the liabilities: within at least ten days but not more than twenty days from the last above mentioned date he shall set a date for a hearing during which the court will hear objections on the liabilities.

*Art. 1045.* (Transmittal and publication of opening judgment.) The judgment shall be transmitted by the clerk to the complainant and the creditors who appear on the list specified in Article 1043 by means of a registered letter with return receipt requested. An extract of the judgment shall also be transmitted by the clerk to the office of registration of aircraft and be published in the official Gazette of the Kingdom.

The office of registration, upon receipt of the judgment, shall make a record thereof in the register of aircraft and shall record it in the register of the office.

*Art. 1046.* (Effect of opening of proceedings.) Opening of the proceedings shall have the effect specified in Articles 625 and 626.

*Art. 1047.* (Objections by creditors.) The creditors may object to the opening judgment within fifteen days of its publication in the