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AARON BONDING CO..

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**BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF SAFETY**

**IN THE MATTER OF:**

**AARON BONDING CO..**

**DOCKET NO: 19.01-093566J  
(D.O.S. No. C6992N)**

**INITIAL ORDER**

This matter was heard on October 2, 2006, before Steve R. Darnell, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Orville Orr, Staff Attorney for the Department of Safety, represented the State.

The subject of this hearing was the forfeiture of a bond issued by Aaron Bonding Co. on January 21, 2004, in the amount of \$3,125.

Claimant did not appear at the hearing. The State moved for default, and its motion was granted. The State proceeded uncontested and has shown by a preponderance of the evidence that Aaron Bonding Co.'s bond in the amount of \$3,125 should be forfeited to the State. This determination is based upon the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. On November 18, 2003, a 1995 Chevy Lumina (VIN 2G1WL52MS9163223) was seized from James L. Boleyjack pursuant to T.C.A. §53-11-451.
2. Boleyjack and Vicica Johnson both filed claims for return of this vehicle. On January 21, 2004, Aaron Bonding Co. delivered to the Department of Safety a bond in the

amount of \$3,125 bonding the vehicle so it could be restored to Ms. Johnson. Ms. Johnson was also obligated on this bond.

3. Pursuant to the above bond a “bond out order” was entered by the Commissioner on January 23, 2004, restoring the vehicle to Ms. Johnson.

4. On April 12, 2006, a final order was entered forfeiting the vehicle to the seizing agency. Notice was sent to Ms. Johnson and Aaron Bonding instructing them to return the vehicle to the seizing agency for disposition.

5. On August 11, 2006, a Bond Forfeiture Order was entered by the Commissioner forfeiting the bond posted by Aaron Bonding Co. to the Tennessee Department of Safety. Aaron has not paid the bond or otherwise responded to this order.

6. This hearing was scheduled for October 2, 2006, and the State has shown proper service of this hearing on Aaron Bonding Co., however, Aaron Bonding Co. did not appear for the hearing.

7. The State’s motion to hold Aaron Bonding Co. in default was granted, and the State proceeded uncontested in this matter.

8. Aaron Bonding Co. is indebted to the State of Tennessee, Department of Safety in the amount of \$3,125 upon its bond. The same is due and payable to the State and should be forfeited to the State.

### **CONCLUSIONS OF LAW AND ANALYSIS**

1. Department of Safety Rule 1340-2-2-.17(1) provides, in relevant part:
  - (d) No default shall be entered against a claimant for failure to attend except upon proof, by the filing of the return receipt card, that the Legal Division has given notice of hearing.
  - (e) Upon default by a party, an administrative judge may enter either an initial default order or an order for an uncontested proceeding.

2. 1340-2-2-.27 BONDING PROCEDURE.

(1) In the event any owner, co-owner or secured party requests immediate possession of seized property prior to the Forfeiture Warrant being received by the department, the following procedure shall apply:

(a) The owner, co-owner or secured party must contact the seizing agency to request immediate possession of the seized property.

(b) Upon receipt of such request, the seizing agency may withhold possession of the seized property for not more than five (5) days after the date of the seizure, but thereafter may, issue a bond out release, pursuant to Rule 1340-2-2-.07(7)(a) and must issue the release pursuant to Rule 1340-2-2-.07(7)(b) upon receipt of a bond which complies with Rule 1340-2-2-.07(7).

(c) The seizing agency shall deliver the original bond and a copy of the Bond Out Release to the department along with the Forfeiture Warrant and Affidavit.

(d) All bond outs of seized property after the department receives the Forfeiture Warrant and Affidavit will be handled by the department in accordance with Rule 1340-2-2-.07(7).

3. Bonding Out Seized Property. Bond for release of seized property shall consist of the following:

(a) Pending any proceeding to recover a vehicle, aircraft or boat, the commissioner may bond out such seized property for its retail value per the N.A.D.A., Southeastern Edition for vehicles and boats and per a source approved by the commissioner for airplanes to a claimant who has established a right to immediate possession. The bond may be revoked at the discretion of the commissioner.

1. If the property seized was other than the property stated above, the bond shall be in an amount equal to two times the retail value of the property.

2. If the property seized was a motor vehicle titled in the name of one or more persons who are not secured parties, the bond shall be in an amount equal to the N.A.D.A., Southeastern Edition, retail value of the vehicle.

(b) A secured party may obtain immediate possession of the seized property by executing a bond provided in subsection (a)(2) or by executing an annual bond or letter of credit with a regulated financial institution in the amount of twenty-five thousand dollars (\$25,000). Upon submitting proof of such bond or letter of credit, the department or seizing agency shall release the property to the secured party.

(c) The following will be considered valid bonds:

1. Cashier's check or money order.

2. Cash.

3. Bond from a bonding company licensed in the State of Tennessee and approved by the commissioner.
4. An annual bond or letter of credit with a regulated financial institution in the amount of twenty-five thousand dollars (\$25,000) submitted by a secured party. Rule 1340-2-2-(7)

Aaron Bonding Co. failed to appear for the hearing on this matter after receiving proper notice. The State moved for default and its motion was granted. The State proceeded uncontested in this matter and presented sufficient evidence to show by a preponderance of the evidence that Aaron Bonding Co. is indebted to the State in the amount of \$3,125 upon its bond posted January 21, 2004.

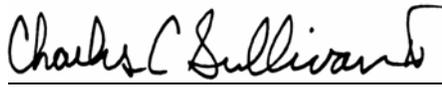
**IT IS THEREFORE ORDERED** that Aaron Bonding Co.'s bond in the amount of \$3,125 is forfeited to the State of Tennessee, Department of Safety.

This Initial Order entered and effective this 21st day of November, 2006.

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Steve R. Darnell  
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 21st day of November, 2006.

  
Charles C. Sullivan, II, Director  
Administrative Procedures Division