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Tennessee Department of State, Opinions from the  
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6-13-2007

\$191.00 One hundred ninety-one One 1980 Ford  
Pick Up V.I.N. #F37ZCGG2968, Seized from:  
James R. Odell, Claimant: James R. Odell, Seizure  
Date: August 16, 2004

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

**IN THE MATTER OF:**

**\$191.00 (One hundred ninety-one)  
One 1980 Ford Pick Up  
V.I.N.#F37ZCGG2968  
Seized from: James R. Odell  
Claimant: James R. Odell  
Seizure Date: August 16, 2004**

**DOCKET NO: 19.01-095938J  
D.O.S.# D4619**

**NOTICE OF DEFAULT AND INITIAL ORDER**

This matter was set to be heard on June 13, 2007 before Joyce Carter-Ball, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Lori Long, attorney for the Department of Safety, represented the State. Claimant was not present, nor was anyone present on Claimant's behalf.

Counsel for the State made a motion, pursuant to T.C.A. §4-5-309 and Tennessee Department of Safety Rule 1340-2-2-.17, for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that it sent notice of the hearing by certified mail to the address provided to the Department by Claimant. The certified mail return receipt was introduced as exhibit 1 at the hearing. Based on this evidence, it is **CONCLUDED** that the Department made reasonable efforts to obtain

proper service on Claimant. The motion of the State was **GRANTED** and the Claimant was found in **DEFAULT**.

**NOTICE OF DEFAULT**

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT CLAIMANT HAS BEEN HELD IN DEFAULT FOR FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS 15 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER TO REQUEST THAT THIS FINDING OF DEFAULT BE SET ASIDE. THIS REQUEST MUST BE RECEIVED IN THE OFFICE OF THE SECRETARY OF STATE, ADMINISTRATIVE PROCEDURES DIVISION, 312 8TH AVENUE NORTH, 8TH FLOOR, WILLIAM R. SNODGRASS TOWER, NASHVILLE, TENNESSEE 37243. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANT'S FAILURE TO ATTEND. IF CLAIMANT DOES NOT REQUEST THE DEFAULT TO BE SET ASIDE OR OTHERWISE APPEAL THE ACCOMPANYING INITIAL ORDER, THEN THE INITIAL ORDER WILL BECOME A FINAL ORDER SUBJECT TO COURT REVIEW.

The Motion for Default having been granted, the State chose not to conduct the proceeding without the participation of the Claimant, therefore, the proceeding was adjourned.

**THEREFORE** pursuant to Department of Safety Rule 1340-2-2-.17(2) (b), this claim is hereby **STRICKEN**.

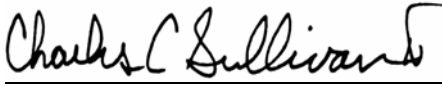
It is ordered that the subject \$191.00 and 1980 Ford Pick Up be **forfeited to the Seizing Agency**.

This Initial Order entered and effective this 26th day of June, 2007.

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Joyce Carter-Ball  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this 26th day of June, 2007.

  
Charles C. Sullivan, II, Director  
Administrative Procedures Division