



University of Tennessee, Knoxville
**Trace: Tennessee Research and Creative
Exchange**

Tennessee Department of State, Opinions from the
Administrative Procedures Division

Law

4-16-2009

Angela H5204 Tucker, 1996 Lexus LS400, VIN
#JT8BH22FXT0043455, Seized from: Roosevelt
Key Sr., Seizure date: July 14, 2008, Claimant:
Angela Tucker, Seizing Agency: Memphis
Organized, Crime Unit, Lien Holder: TITLEMAX

Follow this and additional works at: http://trace.tennessee.edu/utk_lawopinions

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact administrative.procedures@tn.gov

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

IN THE MATTER OF:

**Angela (H5204) Tucker
1996 Lexus LS400
VIN #JT8BH22FXT0043455
Seized from: Roosevelt Key Sr.
Seizure date: July 14, 2008
Claimant: Angela Tucker
Seizing Agency: Memphis Organized
Crime Unit
Lien Holder: TITLEMAX**

DOCKET NO: 19.01-102099J

NOTICE OF DEFAULT AND INITIAL ORDER

This matter was set to be heard on April 16, 2009 before Joyce Carter-Ball, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Andre Thomas, Staff 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 1996 Lexus LS400 be **forfeited** to the seizing agency.

This Initial Order entered and effective this 29th day of April, 2009.

Joyce Carter-Ball
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 29th day of April, 2009.



Thomas G. Stovall, Director
Administrative Procedures Division