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Law

4-21-2011

DEPARTMENT OF SAFETY vs. One 2001 Ford Explorer, VIN # 1FMRU15W71LB19254, Date of Seizure: 2/15/10, Seized From: Terrell Burrough, Lienholder: Pioneer Credit Co.

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.01-112251J
)	DOS Case No. K2013
One 2001 Ford Explorer)	
VIN : 1FMRU15W71LB19254)	
Date of Seizure: 2/15/10)	
Seized From: Terrell Burrough)	
Lienholder: Pioneer Credit Co.)	

ORDER

This matter was heard on April 21, 2011, before Marion P. Wall, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Mr. Andre Thomas, Staff Attorney for the Department of Safety, represented the State. The lienholder was present in the person of Mr. Jim Campbell, the CEO of Pioneer Credit Co.

This vehicle was originally forfeited, subject to the lien of the lienholder. This Order provided that the property would be forfeited if lienholder failed pick up the vehicle or make other arrangements within thirty days of the Order. The lienholder has failed to do either.

This hearing was to allow Claimant to appear and show cause why the property should not be forfeited for failure to fulfill its obligations under that Order.

At the hearing, the Mr. Campbell testified that received the notice of the forfeiture subject to its lien on April 15, 2010. He testified that he got "the runaround," being told he must talk to some detective. He admitted that he could have picked up the vehicle by June, but did not do so

because of the storage fees. He made no further contact until March of 2011, when this proceeding arose.

It is concluded that the Lienholder has failed to offer a valid reason why it has not performed under the Order entered in this matter. Regardless of any initial difficulty, he failed to pick up the vehicle in anything approaching a timely way. Therefore, the Order providing that the vehicle should be forfeited should the Lienholder fail to pick up the vehicle within thirty days should take effect.

The Lienholder having failed to show cause why the vehicle should not be forfeited pursuant to the Order, it is hereby ORDERED that the vehicle be FORFEITED to the seizing agency.

This Initial Order entered and effective this 19th day of July, 2011.

Marion P. Wall
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 19th day of July, 2011.

Thomas G. Stovall, Director
Administrative Procedures Division