

SSGT. RANDALL R. RICHARDS  
144 COOPER ROAD  
RICHLANDS, NC 28574

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STATE OF ALABAMA  
DEPARTMENT OF REVENUE  
ADMINISTRATIVE LAW DIVISION

HEATH RICHARDS  
87 BEULAH CUTOFF ROAD  
ALBERTVILLE, AL 35950,

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DOCKET NO. MV. 13-266

Petitioners,

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v.

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STATE OF ALABAMA  
DEPARTMENT OF REVENUE.

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### FINAL ORDER

This appeal involves a disputed certificate of title for a 1997 Chevrolet GMT-400, VIN 2GCEC19R7V1261254. Randall Richards and Heath Richards separately appealed to the Administrative Law Division pursuant to Code of Ala. 1975, §40-2A-8(a). A hearing was conducted on August 1, 2013. Randall Richards and Heath Richards attended the hearing. Dora Bedingfield, Erica Richards, Matthew Richards, Heather Richards (a sister), and a second Heather Richards (a sister-in-law), also attended. Assistant Counsel Keith Maddox represented the Department.

The Department issued a certificate of title for the subject vehicle to Gregory Richards in 2010. Citizens Bank was listed as first lienholder. Dora Bedingfield is Gregory Richards ex-wife. Gregory and Dora had five children – Randall Richards, Rebecca Richards, Matthew Richards, Heather Richards, and Heath Richards.

Gregory Richards also had one brother, Jeff Richards. Jeff had two daughters, Rachel Richards Lamberth and Erica Richards.

Gregory Richards & Dora Bedingfield

Jeff Richards

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Randall Richards  
 Rebecca Richards  
 Matthew Richards  
 Heath Richards  
 Heather Richards

Rachel Richards Lamberth  
 Erica Richards

Gregory Richards died without a will on April 28, 2011. His brother Jeff subsequently took possession of the subject truck and began handling his brother's estate. There is no evidence, however, that Jeff was formally appointed as administrator of Gregory's estate.

Jeff Richards died unexpectedly on November 27, 2012, also without a will. Jeff's daughters, Rachel and Erica, were going through their father's papers after his death when they found Gregory Richard's title for the subject vehicle. The title indicated that Citizens Bank had released its lien on the vehicle on June 22, 2012. Rachel and Erica subsequently mailed the title to their cousin, Randall Richards, in late November 2012 because "[w]e felt like he was the oldest (of Gregory's children) and that he deserved the truck." (T. 21).

On December 27, 2012, the Department received an application for a replacement title in Gregory Richard's name. The application indicated that the outstanding title had been lost. It was signed by Heath Richards as owner. An affidavit submitted with the application also indicated that Heath Richards was Gregory Richards' next of kin. The Department subsequently issued a replacement title for the vehicle and mailed it to Heath Richards.

On January 4, 2013, the Department received correspondence from Randall Richards stating that he had Gregory Richard's original title for the vehicle, and that the recently issued replacement title had been fraudulently procured. A copy of Gregory Richards' original title was included with the correspondence. The back of that title showed an assignment to Randall Richards on December 26, 2012. Randall's sister Rebecca Richards signed the assignment as owner. She also signed an affidavit indicating that she was Gregory Richard's next of kin.

On January 17, 2013, Heath Richards applied for a title for the subject vehicle. He submitted an affidavit indicating that he was Gregory Richards' next of kin. He also submitted the replacement title previously issued by the Department. That title showed an assignment to Heath Richards. The Department did not process that title application because of the prior correspondence from Randall Richards claiming that the replacement title had been fraudulently procured.

The Department notified Randall Richards and Heath Richards in early February 2013 that it would not process their title applications because of their competing claims to the vehicle. Randall Richards and Heath Richards both appealed to the Administrative Law Division. The appeals were consolidated and heard together on August 1, 2013.

Randall Richards claimed at the August 1 hearing that his father told him in early 2011 that he wanted Randall to have the truck in issue if something happened to him. After Gregory died, Randall's uncle Jeff telephoned Randall and asked him if he was interested in the truck. Randall told his uncle that he did not want the truck at that time because he did not have the money to pay the balance still owed on the vehicle.

Dora Bedingfield testified at the August 1 hearing that Heath and his uncle Jeff had a deal worked out concerning the truck. Heath subsequently borrowed the money needed to pay off the truck in full. He gave the money to his uncle, who paid the bank in June 2012. As indicated, Citizen's Bank released its lien on the truck on June 22, 2012.

This case involves an unfortunate family dispute over a 16 year old truck that has approximately 150,000 miles on it. Gregory Richards died intestate. It is unclear how his assets, personal property, etc. were divided after his death, although there is evidence that his four youngest children, Rebecca, Matthew, Heather, and Heath received most of his property. Perhaps that is why Jeff's two daughters decided to send the title to the truck to Randall.

In any case, the Administrative Law Division does not have the authority to determine who owns or is entitled to the truck. That authority lies with the appropriate probate court or circuit court that has jurisdiction to rule on such matters. Rather, the Administrative Law Division's duty in motor vehicle title disputes is to determine if the Department properly issued or refused to issue a title.

In this case, the issue is whether the Department correctly issued the replacement title for the subject vehicle in early January 2013; and depending on how that issue is decided, should the Department now issue a new title to Randall Richards or Heath Richards.

Heath Richards initially submitted an application for a replacement title to the Marshall County Probate Judge's Office on December 5, 2012. That application indicated that the outstanding title had been lost. The application was not forwarded to the Revenue

Department, however, because of a mistake on the application. Heath corrected the mistake and reapplied for a replacement title in late December 2012. The Department received that application, which also indicated that the original title had been lost.

Randall Richards argued at the August 1 hearing that Heath Richards and Dora Bedingfield knew when they applied for the replacement title that the original title was not lost. He claimed that he and his wife told Bedingfield and Heath in a telephone conversation on or about December 15, 2012 that they had Gregory Richard's original title for the vehicle.

Bedingfield does not dispute that she and Heath had a telephone conversation with Randall and his wife in mid-December 2012, although she does dispute Randall's testimony about what was said during the conversation. She argued that in any case, Heath could not have known that Randall had the original title when he initially applied for a replacement title in early December 2012, before the disputed mid-December telephone conversation.

Bedingfield further explained that she and Heath thought that Gregory's original title was in a post office box rented jointly by Gregory and his brother Jeff.

ALJ Thompson: Where did you think the title was? Do you have any idea?

Ms. Bedingfield: We were told it's in the mailbox. Because that's what the postmaster told us.

ALJ Thompson: Wait. The title was in the mailbox?

Ms. Bedingfield: In December. Because they said that they could not give us the mail because both the owners of that mailbox had deceased; that they had to wait till somebody was over both estates or February 2nd,

when that mailbox was to be closed.

ALJ Thompson: No. I'm talking about the original title for the vehicle.

Ms. Bedingfield: The original title.

ALJ Thompson: Why would it be in the mailbox?

Ms. Bedingfield: Because it was in a post office box that was owned by Jeff and Gregg. And it's on the paperwork.

Mr. Maddox: You're saying the bank mailed the title to the P. O. box when their lien was paid off?

Ms. Bedingfield: Yes.

(T. 30 – 31).

The Department is authorized to revoke a title that was erroneously issued or fraudulently procured. Code of Ala. 1975, §32-8-49. As indicated, the application for replacement title submitted by Heath Richards in late December 2012 indicated that the outstanding title for the vehicle had been lost. There is evidence, although disputed, that Heath was informed by Randall and/or Randall's wife in the above mentioned mid-December 2012 telephone conversation that Randall had their father's title for the vehicle. If Heath did learn at that time concerning the whereabouts of the title, then the indication on the replacement title application that the original title had been lost was incorrect or false.

Even if Heath was not aware that Randall had the title when he reapplied for the replacement title, he and Bedingfield believed that the title was in Gregory and Jeff's joint post office box. The outstanding title thus was not lost in either case. Consequently, because the replacement title application falsely indicated that the title was lost, the

replacement title must be voided as erroneously issued or fraudulently procured. Gregory Richards' original title for the vehicle is reinstated.

Heath Richards has an equitable claim to the truck because he borrowed the money that his uncle used to pay the bank. Conversely, if all of Gregory's children except Randall divided his assets, Randall may also have an equitable claim to the truck as his fair share of the estate assets. Be that as it may, as indicated, neither the Revenue Department nor the Administrative Law Division has the authority to award the subject vehicle to either of the Petitioners. That dispute must be settled by the appropriate probate court, or by agreement of all next of kin of Gregory Richards, or by one or both Petitioners appealing this Final Order to the appropriate circuit court, which could then rule on the issue.

The Department should take no action concerning the title for the subject vehicle until it receives a completed title application and either a court order from a circuit court or probate court awarding the truck to the applicant, or an agreement signed by all of the next of kin of Gregory Richards indicating that the applicant should be issued a title for the vehicle.

This Final Order may be appealed to circuit court within 30 days pursuant to Code of Ala. 1975, §40-2A-9(g).

Entered August 22, 2013.

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BILL THOMPSON  
Chief Administrative Law Judge

bt:dr

cc: Keith Maddox, Esq.  
Randall R. Richards  
Heath Richards  
Jay Starling