

Woman sues Cash Cow for failing to transfer car title

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GALLUP — A Smith Lake resident has filed a lawsuit against Cash Cow Auto Sales claiming that the company refused to transfer the title of a car she had paid off.

The lawsuit was filed last week in Gallup District Court by Rose Murphy against the Gallup used car company, Cash Cow's owner Tim Delgado and Western Surety Co., a foreign corporation that provides surety bonds for New Mexico car dealers.

The lawsuit said Western Surety provided the surety bond to license Cash Cow as an auto dealer.

Murphy is described in the lawsuit as a single parent of two teenage children in the small remote Navajo community of Smith Lake. She works as a secretary.

"Living in Smith Lake, a vehicle is an absolute necessity," the lawsuit states.

In early 2016, Smith needed a truck to get her to and from work and to take her kids to school as well as haul water so she decided to use her 2015 tax refund to buy a truck.

One of the places she visited was Cash Cow where employees showed her a used Ford F-250, which she decided fitted her needs, so she agreed to buy it for \$3,500.

After she paid the \$3,500 and took possession of the vehicle, the company told Murphy that it would transfer the title and register the F-250 within a few weeks.

A temporary permit

The company then, according to the lawsuit, provided her with a 30-day temporary permit to display until the title and a license plate could be obtained.

But no title came, despite a New Mexico law that requires dealers to furnish the owner of a car purchased from them a proper title.

The lawsuit said that months passed without a title being sent, despite repeated calls and visits to Cash Cow. Some of those calls went to Delgado, the lawsuit stated.

"During one visit, when Ms. Murphy again explained that she could not drive the F-250 without a license plate and an expired temporary registration permit, Cash Cow unlawfully issued another temporary registration permit," the lawsuit stated.

The last temporary registration permit expired more than a year ago, according to the lawsuit.

Frustrated, Murphy asked Delgado to return the purchase price but he refused, according to the lawsuit.

From the onset, Cash Cow did not have clear title to the vehicle or did not have any intention of transferring the title to Murphy, the lawsuit stated.

Murphy said in the lawsuit that if she had known that the company would hold back the title after she paid the vehicle off, she would not have bought it because the failure to give her a title has had a "major impact on her life."

Avoiding driving

Because of her limited income, she could not afford alternative transportation so she avoided driving the truck whenever possible and told her children they could not participate in school sports because of the situation with the truck.

"When driving was absolutely necessary, Ms. Murphy was in constant fear of arrest for driving an unregistered vehicle," the lawsuit stated.

Not only has she lost the use of her vehicle, but the lawsuit said she has suffered "humiliation, embarrassment, aggravation, frustration and emotional distress."

Because of the way she has been treated by the company, the lawsuit said Murphy is asking for both actual and punitive damages.

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