



10-8-2009

TENNESSEE DEPARTMENT OF SAFETY
1998 Chevy Malibu VIN No.:
1G1ND52T9WY164610, Seized from:
Abdulkhkim Fahra, Date of Seizure: April 26, 2009,
Claimant: Abdulkhkim Fahra, Lienholder: N/A

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

IN THE MATTER OF:)
)
)
TENNESSEE DEPARTMENT OF)
SAFETY)
) DOCKET NO. 19.01-104889J
) [D.O.S. CASE NO. J 3684]
)
)
1998 Chevy Malibu)
VIN No.: 1G1ND52T9WY164610)
Seized from: Abdulhakim Fahra)
Date of Seizure: April 26, 2009)
Claimant: Abdulhakim Fahra)
Lienholder: N/A)

**NOTICE OF DEFAULT;
INITIAL ORDER**

The hearing in this matter was held on Thursday, October 8, 2009, in Humboldt, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting

for the Commissioner of the Tennessee Department of Safety. Mr. Andre Thomas, Staff Attorney, Tennessee Department of Safety, represented the State. Claimant Abdulhakim Fahra did not appear for the hearing and had not moved for a continuance. No attorney appeared on Claimant's behalf.

The subject of this matter was the proposed forfeiture of the seized 1998 Chevy Malibu, for its alleged use in facilitating, in transporting, serving as a container, having been obtained in an exchange, as constituting proceeds, or as otherwise involved in an exchange, in violation of the Tennessee Drug Control Act, thus making the property subject to seizure, pursuant to T.C.A. §53-11-451.

The State moved for default. The State filed Exhibit 1, a copy of the certified mail return receipt card, showing that "Aedulhak," at the Claimant's address of record, signed on September 8, 2009, acknowledging receipt of the Notice, providing the date, time, and place for the hearing.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide Claimant notice of the date, time, and location of the hearing. The State's Motion for Default was **GRANTED**.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT THE CLAIMANT HAS BEEN HELD IN DEFAULT FOR THE CLAIMANT'S

FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS FIFTEEN (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, SUITE 800, WILLIAM R. SNODGRASS BUILDING, 312 ROSA PARKS AVENUE, NASHVILLE, TENNESSEE 37243, WITHIN THAT 15-DAY PERIOD. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANT'S FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE 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. ANY QUESTIONS REGARDING THIS NOTICE OF DEFAULT OR THE STEPS NECESSARY TO HAVE IT SET ASIDE SHOULD BE SUBMITTED TO THE ADMINISTRATIVE JUDGE SIGNING THIS ORDER BY LETTER OR BY TELEPHONING (615) 741-4469.

Claimant may move to have the Default Set Aside within fifteen (15) days, for good cause shown.

ORDER

The State moved that the claim of Abdulhakim Fahra be struck, for failure to appear, come forward, and present evidence. The State's Motion to Strike Claimant Abdulhakim Fahra's claim was **GRANTED**.

The State also moved that Claimant Fahra's interest, if any, in the subject vehicle, be forfeited to the seizing agency for disposition as provided by law. The State's Motion to Forfeit Claimant Abdulhakim Fahra's interest, if any, was **GRANTED**.

As an Officer of the Court, the State's attorney advised that there were no other pending claims for the return of the seized vehicle. There being no other claims, it is hereby **ORDERED** that the seized 1998 Chevy Malibu is hereby **FORFEITED** to the seizing agency, for disposition as provided by law.

This Initial Order entered and effective this 12th day of January, 2010.

Mattielyn B. Williams
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of
State this 12th day of January, 2010.

Thomas G. Stovall, Director

Administrative Procedures Division