



1-24-2008

DEPARTMENT OF SAFETY vs. One 1999  
Chrysler Jeep Cherokee, V.I.N. #  
1J4FT27P8XL502631, Seized from: Todd Perry,  
Date of Seizure: 06-06-07, Claimant: America's  
Car-Mart, Lienholder: NA

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

**IN THE MATTER OF:**

**DEPARTMENT OF SAFETY**

**V.**

**One 1999 Chrysler Jeep Cherokee  
V.I.N. # 1J4FT27P8XL502631  
Seized from: Todd Perry  
Date of Seizure: 06-06-07  
Claimant: America's Car-Mart  
Lienholder: NA**

**DOCKET NO: 19.01-097889J  
D.O.S. # G3817**

**INITIAL ORDER OF DEFAULT & DISMISSAL**

This matter was heard on January 24, 2008 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Memphis, Tennessee. Mr. Trey Phillips, Staff Attorney for the Department of Safety, represented the State. Claimant was not present nor was an attorney present on its behalf.

The subject of this hearing was the proposed forfeiture of the subject property. The matter was heard upon the State's Motion to be granted a Default Order due to Claimant failing to appear at the hearing after receiving proper notice thereof. After consideration of the record it is determined that the State's Motion is proper and should be **GRANTED**. It is further **ORDERED** that the subject property should be **FORFEITED** to the seizing agency. This decision is based upon the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. The subject of this hearing was the seizure of a 1999 Chrysler Jeep Cherokee seized from Todd Perry by the Memphis Police Department on June 6, 2007.

2. America' Car-Mart claimed an interest in the vehicle but did not appear at the hearing. Notice of the hearing was delivered to Claimant on or before December 20, 2007.

3. The State's witnesses were present and the State was prepared to proceed with the hearing.

### CONCLUSIONS OF LAW

1. Department of Safety Rule 1340-2-2-.17(1) provides in part:

(d) No default shall be entered against a claimant for failure to attend except upon proof by the filing of the return receipt card, that the legal division has given notice of the hearing...

(e) Upon default by a party, an administrative judge may enter either an Initial Default Order or an Order for an uncontested proceeding...

2. It appearing that the State made all reasonable attempts to provide notice of the hearing to the Claimant and it failed to appear, it is determined that the State has complied with the requirements of the above referenced Rule.

3. Accordingly, it is determined that the State's motion should be **GRANTED** and the Claimant be held in **DEFAULT**. It is further **ORDERED** that the subject property be **FORFEITED** to the seizing agency.

This Initial Order entered this 29th day of January, 2008.

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Leonard Pogue  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this 29th day of January, 2008.

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Thomas G. Stovall, Director  
Administrative Procedures Division