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8-18-2010

TENNESSEE DEPARTMENT OF SAFETY vs.  
One 1995 Toyota Celica VIN No.:  
JT2ST07N8S0030697, Seized from: Crystal L.  
Wilson, Date of Seizure: July 26, 2009, Claimant/  
Lienholder: Titlemax of Tennessee

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

**IN THE MATTER OF:**

**TENNESSEE DEPARTMENT  
of SAFETY**

**v.**

**One 1995 Toyota Celica**

**VIN No.: JT2ST07N8S0030697**

**Seized from: Crystal L. Wilson**

**Date of Seizure: July 26, 2009**

**Claimant/Lienholder: Titlemax of  
Tennessee**

**DOCKET NO: 19.05-109050J**

**DOS No. J6510**

**NOTICE OF DEFAULT AND ORDER**

This administrative proceeding was set to be heard on August 18, 2010, in Knoxville, Tennessee, before Bettye Springfield, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Will Lundy, Staff Attorney with the Department of Safety, represented the State. The Claimant/Lienholder was not present nor was legal counsel present on its behalf.

This proceeding involves the State's motion that the Claimant show cause as to the reason that its interest in the seized vehicle, that was forfeited pursuant to an Order dated on March 5, 2010, should not be forfeited to the seizing agency.

The State made an oral motion pursuant to Tennessee Code Annotated, Section 4-5-309, and Rule 1340-2-2-.17 of the Department of Safety, for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that notice of this hearing was sent to the Claimant by certified mail and duly received. Therefore, the Claimant was found to be in DEFAULT.

**ORDER**

The Claimant/Lienholder has not contacted the seizing agency or otherwise made arrangements to take custody of the subject vehicle, in compliance with the Order. The Department of Safety docketed the matter for hearing and sent the Claimant notice that if Claimant failed to appear, the State would enter a motion requesting that Claimant/ Lienholder's interest in the subject vehicle be forfeited to the seizing agency.

Pursuant to Rule 1340-2-2.17(2)(b), "[u]pon a default by a claimant, a claimant's claim shall be stricken by initial default order or, if the agency requests, the agency may proceed uncontested." The State elected to have the claim stricken without proceeding uncontested.

It is ORDERED that the Claimant/ Lienholder having failed to take custody of the subject vehicle and not complied with the arrangements set out in the Order, its interest in the subject vehicle is FORFEITED to the seizing agency.

This Initial Order entered and effective this 15th day of September, 2010.

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Bettye Springfield  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 15th day of September, 2010.

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Thomas G. Stovall, Director  
Administrative Procedures Division