



6-13-2012

DEPARTMENT OF SAFETY v. ONE: 1985  
DODGE CARAVAN, VIN:  
2B4FK41GSFR353482, SEIZED FROM:  
EDUARDO SANCHEZ, DATE OF SEIZURE:  
12/2/10, CLAIMANT: THE CAR STORE

Follow this and additional works at: [http://trace.tennessee.edu/utk\\_lawopinions](http://trace.tennessee.edu/utk_lawopinions)

---

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact [administrative.procedures@tn.gov](mailto:administrative.procedures@tn.gov)

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

<b>IN THE MATTER OF:</b>	)	
<b>DEPARTMENT OF SAFETY</b>	)	
	)	
<b>v.</b>	)	<b>DOCKET NO. 19.05-117350J</b>
	)	<b>DOS CASE NO. L1032</b>
	)	
<b>ONE: 1985 DODGE CARAVAN</b>	)	
<b>VIN: 2B4FK41GSFR353482</b>	)	
<b>SEIZED FROM: EDUARDO SANCHEZ</b>	)	
<b>DATE OF SEIZURE: 12/2/10</b>	)	
<b>CLAIMANT: THE CAR STORE</b>	)	
	)	

**NOTICE OF DEFAULT AND ORDER**

This hearing was set to be conducted on June 13, 2012, before Anthony Adgent, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety in Fall Branch, Tennessee. Nina Harris, attorney for the Department of Safety, represented the State. The Claimant on the subject vehicle did not appear at this proceeding.

The purpose of this proceeding was for the Claimant to show cause as to why her interest in the subject vehicle should not be forfeited to the seizing agency for failure to take custody of the vehicle pursuant to an Order Of Compromise and Settlement entered January 27, 2012.

Counsel for the State made an oral motion pursuant to T.C.A. §4-5-309 for an order finding the Claimant to be in default. In support of the motion, the State introduced evidence that notice was mailed to the Claimant certified mail. Based on this evidence, the motion of the State was **GRANTED**, the Claimant was found in **DEFAULT**.

### **NOTICE OF DEFAULT**

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT HE HAS BEEN HELD IN DEFAULT FOR FAILURE TO APPEAR AT A SHOW CAUSE HEARING AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT 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, 312 8TH AVENUE NORTH, 8TH FLOOR, WILLIAM R. SNODGRASS TOWER, NASHVILLE, TENNESSEE 37243. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE LIEN HOLDER'S FAILURE TO ATTEND. IF CLAIMANT DOES NOT REQUEST THE DEFAULT BE SET ASIDE OR OTHERWISE APPEAL THE ACCOMPANYING ORDER, THEN THE 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) 741-7008.

### **ORDER**

The Motion for Default having been granted, the State moved for the forfeiture of the interest of the Claimant in the subject property based upon the above cited Order the Tennessee Department of Safety in this matter and the Claimant's failure to show cause as to why such interest should not be forfeited.

It is **ORDERED** that the interest of The Car Store in the subject property is **FORFIETED**.

This Order entered and effective this 11 day of July, 2012

---

Anthony Adgent  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this 11 day of July, 2012

---

Thomas Stovall, Director  
Administrative Procedures Division