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Law

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7-16-2012

DEPARTMENT OF SAFETY V. One 1986 Ford  
F15, V.I.N. # 1FTCF15N0GLB02784, Seized from:  
Rebecca Neal, Date of Seizure: 01-13-12, Claimant:  
Rebecca Neal

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

**IN THE MATTER OF:**

**DEPARTMENT OF SAFETY**

**V.**

**One 1986 Ford F15  
V.I.N. # 1FTCF15N0GLB02784  
Seized from: Rebecca Neal  
Date of Seizure: 01-13-12  
Claimant: Rebecca Neal**

**DOCKET NO: 19.05-117560J  
D.O.S. # M2793**

**INITIAL ORDER OF DEFAULT AND DISMISSAL**

This matter was heard on July 16, 2012 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Nashville, Tennessee. Mr. Jacob Wilson, Staff Attorney for the Department of Safety, represented the State. Claimant was not present nor was an attorney present on her 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 an Initial Default Order due to the Claimant's failure 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 1986 Ford F15 from Rebecca Neal by the Waverly Tennessee Police Department on January 13, 2012.
2. Rebecca Neal claimed an interest in the vehicle but did not appear at the hearing, nor did an attorney appear. The State provided proof that service of the notice of hearing was made at Claimant's address of record on June 18, 2012.
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 she 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 vehicle be **FORFEITED** to the seizing agency.

This Initial Order entered this 17 day of July, 2012

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Thomas Stovall, Director  
Administrative Procedures Division

