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Tennessee Department of State, Opinions from the  
Administrative Procedures Division

Law

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6-12-2014

## Alvin L. Caffey vs. Safety

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Dodge SRX, seized by the Tennessee Highway Patrol, for its alleged operation by an individual, Amy M. Norton, who was engaging in her second or subsequent DUI, pursuant to Tennessee Code Annotated §55-10-401 and 55-10-403, and who was also driving on a revoked license, pursuant to Tennessee Code Annotated §55-50-504.

DT Credit Company LLC timely filed to protect its lienhold interest in the subject vehicle.

The State moved that the Claimant be held in default. Exhibit 1, a copy of the US Postal Service's report, showed that the Claimant's copy of the Notice of Hearing was delivered to Claimant's address of record on March 10, 2014.

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 EIGHTH AVENUE NORTH 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 Alvin L. Caffey be struck, for failure to appear and come forward to present evidence. The State's Motion to Strike Claimant Caffey's claim was **GRANTED**.

The State also moved that Claimant Caffey's interest, if any, in the subject vehicle be struck. The State's Motion to Strike Claimant Caffey's interest was **GRANTED**.

The State advised that there were no other claims pending for the return of the seized vehicle. Therefore, it is hereby **ORDERED** that the seized 2004 Dodge SRX is **FORFEITED** to the seizing agency, subject to the lienhold interest of DT Credit Company, LLC, for disposition as provided by law, free from the claim and/or interest of Claimant Alvin L. Caffey.

This Initial Order entered and effective this \_\_\_\_\_ day of June, 2014.

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Mattielyn B. Williams  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this \_\_\_ day of June, 2014.

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J. Richard Collier, Director  
Administrative Procedures Division