



4-18-2011

DEPARTMENT OF SAFETY vs. One 2001  
Chevy Lumina, VIN # 2G1WL52J011182754,  
\$2,096.00 currency, Seized from: Eugene Jackson,  
Date of Seizure: 8/13/10, Claimants: Nechelle  
Newton

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**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. 19.01-112252J</b>
	)	<b>DOS Case No. K7896</b>
<b>One 2001 Chevy Lumina</b>	)	
<b>VIN: 2G1WL52J011182754</b>	)	
<b>\$2,096.00 currency</b>	)	
<b>Seized from: Eugene Jackson</b>	)	
<b>Date of Seizure: 8/13/10</b>	)	
<b>Claimants: Nechelle Newton</b>	)	
<b>American Auto Sales</b>	)	

**CORRECTED INITIAL ORDER**

This matter was heard on April 18, 2011, before Marion P. Wall, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety in Memphis, TN. Mr. Andre Thomas, Staff Attorney for the Department of Safety, represented the State. Claimant was not present, nor was counsel present on her behalf. The State's attorney has represented that no other person or entity has an interest in this property or has filed a claim in this matter.

The above-mentioned vehicle was awarded to Claimant Nechelle Newton pursuant to an Order of Compromise and Settlement dated November 29, 2010. Claimant failed to take custody of the vehicle or make other arrangements for its disposal.

This hearing was to allow Claimant to appear and show cause why she has not complied with the terms of that agreement, and show why the property should not be forfeited for her failure to fulfill her obligations under that agreement.

At the beginning of the hearing, counsel for the State made an oral motion, pursuant to T.C.A. §4-5-309 and Tennessee Department of Safety Rule 1340-2-2-.17, for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that notice was mailed to the Claimant by certified mail to the address provided by the Claimant. The notice was received and signed for at this address. 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 IT HAS BEEN HELD IN DEFAULT FOR FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS 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 CLAIMANT'S FAILURE TO ATTEND. IF CLAIMANT DOES NOT REQUEST THE DEFAULT 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) 741-7008.

**THEREFORE**, the State's Motion for Default is **GRANTED**. The 2001 Chevy Lumina is hereby forfeited to the Seizing Agency, subject to the lien interest of American Auto Sales, Claimant's interest having been forfeited by his failure to appear at the hearing.

This Initial Order entered and effective this 22nd day of July, 2011.

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Marion P. Wall  
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 22nd day of July, 2011.

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Thomas G. Stovall, Director  
Administrative Procedures Division