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Andre D7577 Baker

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**BEFORE THE COMMISSIONER OF THE
TENNESSE DEPARTMENT OF SAFETY**

IN THE MATTER OF:

Andre (D7577) Baker

DOCKET NO: 19.01-093363J

INITIAL ORDER
REGARDING LIENHOLDER'S INTEREST

This matter was held on September 5, 2006, before Joyce Carter-Ball, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Mr. Orvil Orr, Staff Attorney, Department of Safety, represented the State. No representative or attorney for Lienholder By Pass Express, LLC was present.

The subject of this hearing was the proposed forfeiture of the Lienholder's interest in the subject 1982 Chevrolet Monte Carlo, based on the Lienholder's failure to take custody of the vehicle or make other arrangements for its disposal within thirty (30) days. The subject vehicle had already been forfeited to the seizing agency subject to the Lienholder's interest, by Order of January 3, 2006.

The State moved for default of the **Lienholder**. The State submitted Exhibit 1, the US Postal Service certified mail return receipt card, showing that the Notice of Hearing was delivered to the address of record for the **Claimant** on July 29, 2006.

It was DETERMINED that the State had provided the **Lienholder** adequate notice of the hearing. Accordingly, the State's motion for default was granted.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE LIENHOLDER THAT THE LIENHOLDER HAS BEEN HELD IN DEFAULT FOR THE LIENHOLDER'S FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. THE LIENHOLDER 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, WITHIN THAT 15-DAY PERIOD. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE LIENHOLDER'S FAILURE TO ATTEND. IF THE LIENHOLDER 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.

The State moved to proceed, in the absence of the Lienholder. The State's motion was GRANTED.

The State moved that the interest of the Lienholder be forfeited to the seizing agency for Lienholder By Pass Express, LLC's failure to take custody or make

arrangements for disposal of the subject 1982 Chevrolet Monte Carlo, within thirty (30) days of the January 3, 2006 Order, as required.

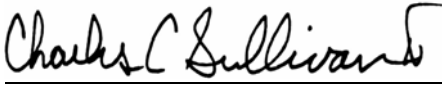
Accordingly, the State's motion was GRANTED.

It is hereby ORDERED that the interest of Lienholder By Pass Express, LLC is **FORFEITED** to the **seizing agency**.

This Initial Order entered and effective this 14th day of September, 2006.

Joyce Carter-Ball
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 14th day of September, 2006.


Charles C. Sullivan, II, Director
Administrative Procedures Division