



11-15-2005

DEPARTMENT OF SAFETY vs. One 1988
Chevrolet Van VIN: 1GBEG25K5K7109978,
Seized From: Buel D. Wilson, Seizure Date: March
26, 2003, Claimant: Buel D. Wilson & Jessie D.
Reynolds

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**B E F O R E T H E C O M M I S S I O N E R O F T H E
T E N N E S S E E D E P A R T M E N T O F S A F E T Y**

IN THE MATTER OF:)
)
DEPARTMENT OF SAFETY)
)
)
)
v.) **DOCKET NO. 19.05-084639J**
) **[D.O.S. No. C0005]**
One 1988 Chevrolet Van)
VIN: 1GBEG25K5K7109978)
Seized From: Buel D. Wilson)
Seizure Date: March 26, 2003)
Claimant: Buel D. Wilson & Jessie D. Reynolds)

NOTICE OF DEFAULT ORDER

This matter was set for hearing November 15, 2005. The Default Hearing came to be heard Novemeber 17, 2005, in Chattanooga, Tennessee, before Ralph B. Christian, II, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Will Lundy, Staff Attorney for the Department of Safety, represented the State.

The subject of the hearing was the proposed forfeiture of the subject property for Driving on Revoked License Due to DUI, T.C.A. §55-50-504, T.C.A. §40-33-201 *et seq.*

The Claimants did not appear at the hearing, nor were they represented by an attorney. The State, therefore, moved for a default and dismissal of the case. The motion was GRANTED based upon the following findings of fact and conclusions of law.

Findings Of Fact

1. Claimants' property was seized March 26, 2003. Claimant petitioned the Department of Safety for a hearing.
2. Proof was offered by the State, that it sent notice of the November 15, 2005 hearing by Certified Mail and that the notice of hearing was returned unclaimed.
3. Based upon Claimant's failure to attend the hearing, the State's motion for default and dismissal was granted.

Conclusions of Law

1. Department of Safety Rule 1340—2—2—.17(1) provides in pertinent 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 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. Department of Safety Rule 1340—2—2—.17(2) provides in pertinent part:

Upon a default by a claimant, a claimant's claim shall be stricken by initial default order.
3. The State's motion for default and dismissal having been granted, it is therefore ordered that the petition of Claimant be **dismissed** and the **Claimant's interest in the property is hereby** forfeited to the seizing agency.

This Initial Order is entered and effective this 25th day of January, 2006.

Ralph B. Christian, II
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 25th day of January, 2006.

Charles C. Sullivan, II, Director
Administrative Procedures Division