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1-9-2008

DEPARTMENT OF SAFETY vs. One 1993
Chevrolet Astro, VIN No.:
1GNDM19Z1PB196372, Seized from: Misty
Lincoln, Date of Seizure: 8/17/07, Claimant:
Misty Lincoln, Lienholder: Cash Express, LLC

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.01-097756J
)	DOS Case No. G5899
One 1993 Chevrolet Astro)	
VIN No.: 1GNDM19Z1PB196372)	
Seized from: Misty Lincoln)	
Date of Seizure: 8/17/07)	
Claimant: Misty Lincoln)	
Lienholder: Cash Express, LLC)	

ORDER

This matter was heard on January 9, 2008, before Marion P. Wall, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Mr. Orvil Orr, 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, other than the lienholder noted above, has an interest in this property or has filed a claim in this matter.

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 and was received. 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 SHE 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.

The Motion for Default having been granted, the State chose not to conduct the proceeding without the participation of the Claimant, therefore, the proceeding was adjourned.

THEREFORE pursuant to Department of Safety Rule 1340-2-2-.17(2) (b), this claim is hereby **STRICKEN**. Further, pursuant to T.C.A. §40-33-206, there being no other claim or claimant in this case, the statute provides that the property described above is **FORFEITED** to the seizing agency, subject to the interest of the lienholder.

This Initial Order entered and effective this 6th day of March, 2008.

Marion P. Wall
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 6th day of March, 2008.

Thomas G. Stovall, Director
Administrative Procedures Division