



1-1-2009

DEPARTMENT OF SAFETY vs. ONE 2000
CHEVROLET IMPALA VIN NO.:
2G1WF5E5Y9174182, SEIZED FROM: WADE
HONEYCUTT, DATE OF SEIZURE: 4/26/08,
CLAIMANT: MALINDA HONEYCUTT

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.01-101026J
)	DOS CASE NO. H2385
)	
ONE: 2003 CHEVROLET TRUCK)	
VIN NO.:1GECK19T03E365501)	
SEIZED FROM: TYREE COWAN)	
CURRENCY: \$726.00)	
DATE OF SEIZURE: 3/28/08)	
CLAIMANT: WOOD MOTOR CO.)	
)	

NOTICE OF DEFAULT AND ORDER

This administrative proceeding was set to be heard on November 13, 2008, before Marion Wall, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety in Nashville, Tennessee. The Honorable Orvil Orr, attorney for the Department of Safety, represented the State. Claimant was not present.

At the beginning of the hearing, counsel for the State made an oral motion pursuant to T.C.A. §4-5-309 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 Claimants by certified mail. A return receipt shows that the notice was duly 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 HE 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. CLAIMANTS HAVE 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 CLAIMANTS DO 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.

ORDER

The Motion for Default having been granted, the State moved to dismiss the claim in accordance with Rule 1340-2-2.17(2)(b) of the Department of Safety which provides that “[u]pon a default by a Claimant, a Claimant’s claim shall be stricken by initial default order or, if the agency requests, the agency may proceed uncontested.”

The agency did not request to proceed uncontested, and it is DETERMINED that the State's Motion to Dismiss should be granted.

It is **ORDERED** that the claim of Wood Motor Company is **DISMISSED** and the subject property forfeited to the seizing agency.

This Initial Order entered and effective this 29th day of January, 2009.

Anthony Adgent
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 29th day of January, 2009.

Charles C. Sullivan II, Director
Administrative Procedures Division