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Administrative Procedures Division

Law

1-22-2009

DEPARTMENT OF SAFETY vs. \$158.00 in U.S.
Currency, One 1992 Buick Skylark, VIN No.:
1G4NJ5430NC611507, Seized From: Ray Staples,
Date of Seizure: April 11, 2008, Claimant: Brandon
McDaniel

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NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE CLAIMANT 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) 741-0513.

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 is STRICKEN and that the Claimant’s interest in the \$158.00 in U.S. currency and the 1992 Buck Skylark are FORFEITED to the seizing agency.

This Initial Order entered and effective this 10th day of March, 2009.

John Hicks
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 10th day of March, 2009.

Thomas G. Stovall, Director
Administrative Procedures Division