



9-18-2012

DEPARTMENT OF SAFETY vs. One 2003  
Chevy Tahoe, VIN No.: 1GNEC13Z13J255971,  
Seized from: Daryus Carnes, Date of Seizure: 5/9/  
12, Claimant: Daryus Carnes, Lienholder: Pedro's  
Auto Sales, Inc.

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

<b>IN THE MATTER OF:</b>	)	
	)	
<b>DEPARTMENT OF SAFETY</b>	)	
	)	
<b>v.</b>	)	<b>DOCKET NO. 19.01-118257J</b>
	)	<b>DOS Case No. M6391</b>
<b>One 2003 Chevy Tahoe</b>	)	
<b>VIN No.: 1GNEC13Z13J255971</b>	)	
<b>Seized from: Daryus Carnes</b>	)	
<b>Date of Seizure: 5/9/12</b>	)	
<b>Claimant: Daryus Carnes</b>	)	
<b>Lienholder: Pedro's Auto Sales, Inc.</b>	)	

**ORDER**

This matter was heard on September 18, 2012, before Marion P. Wall, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety in Nashville, Tennessee. Mr. Jacob Wilson, Staff Attorney for the Department of Safety, represented the State. Claimant was not present, nor was counsel present on his behalf. The State's attorney has represented that only one other person or entity, Pefro's Auto Sales, Inc., 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's attorney by certified mail. A return receipt from the U. S. Postal Service showed the notice was received and signed for. Claimant's attorney appeared and did not object to the default being entered, as he has been unable to contact his client by any and all

means. 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. 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, the Claimant's interest in the property described above is **HEREBY FORFEITED** to the seizing agency, subject to any lawful and properly claimed liens.

This Initial Order entered and effective this 20 day of December, 2012

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Marion P. Wall  
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 20 day of December, 2012 Stovall, Director

Administrative Procedures Division