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December 2012

DEPARTMENT OF SAFETY vs. One 2000 Ford Expedition, VIN No.: 1FMRU15L6YLB95984, Seized From: Deborah Bady, Date of Seizure: February 19, 2011, Claimant: Deborah Bady, Lienholder: N/A

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

v.

**One 2000 Ford Expedition
VIN No.: 1FMRU15L6YLB95984
Seized From: Deborah Bady
Date of Seizure: February 19, 2011
Claimant: Deborah Bady
Lienholder: N/A**

**DOCKET NO: 19.05-114063J
DOS No. L3041**

INITIAL ORDER

This administrative proceeding was set to be heard December 10, 2012, in Memphis, Tennessee, before Bettye Springfield, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Attorney Andre Thomas, with the Department of Safety, represented the State. The Claimant was not present nor was counsel present on the Claimant's behalf.

The subject of this proceeding was the proposed forfeiture of the subject vehicle, seized for operation by an individual whose driver's license had been suspended or revoked for driving a motor vehicle under the influence of an intoxicant (DUI), in violation of T.C.A. §55-50-504(h), 40-33-201, *et seq.*

Because the Claimant was not present, counsel for the State present proof, pursuant to T.C.A. §4-5-309, for finding the Claimants to be in default. In support of its motion, the State submitted evidence that notice of hearing was mailed to the Claimant by Certified Mail and was duly delivered. Based on this evidence, it is determined that the State properly served the notice of hearing upon the Claimant. Therefore, the Claimant is found in default.

The Motion for Default is granted, pursuant to Rule 1340-2-2.17(1)(a) of the Department of Safety, which provides that a party's non-attendance at a second setting of a hearing on the merits after notice thereof is cause for holding such party in default. Pursuant to Rule 1340-2-2.17(2)(b), "[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 State elected to have the Claimant's claim stricken.

Accordingly, it is ORDERED that the claim of the Claimant be STRICKEN, and that the interest of the Claimant in the subject property be FORFEITED to the seizing agency.

This Initial Order entered and effective this 11 day of March, 2013

Bettye Springfield
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 11 day of March, 2013

Thomas G. Stovall, Director
Administrative Procedures Division