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Department of Safety vs. Jade Wilson

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

IN THE MATTER OF:

**ONE 1998 Chevrolet Malibu
VIN: 1G1NE52M5W6139558
Seized From: Jade Wilson
Date of Seizure: July 1, 2012
Claimant: Jade Wilson
Lienholder: N/A**

**Docket No.: 19.01-120107J
DOS No. M8670**

INITIAL ORDER

This administrative proceeding was set to be heard on February 14, 2013, in Nashville, 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 Hillary Edwards, with the Department of Safety, represented the State. The Claimant was not present for the hearing nor was counsel present on the Claimant's behalf.

The subject of this proceeding was the proposed forfeiture of the subject property, seized for a narcotics related violation, T.C.A. §53-11-201, 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 an order finding the Claimant 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 without proceeding uncontested.

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 _____ day of _____ 2013.

Bettye Springfield
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this _____ day of _____ 2013.

Thomas G. Stovall, Director
Administrative Procedures Division