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Department of Safety vs. World Finance Corp

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**BEFORE THE COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

IN THE MATTER OF:)
)
TENNESSEE DEPARTMENT OF)
SAFETY)
)
v.)
)
One 2003 Chevrolet Malibu)
VIN No.: 1G1ND52JO3M508245)
Seized from: Christina M. Cowan)
Date of Seizure: May 11, 2012)
Claimant: N/A)
Lienholder: World Finance Corp.)
)

DOCKET NO. 19.05-120530J
[D.O.S. CASE NO. M8041]

NOTICE OF DEFAULT;

INITIAL ORDER

The hearing in this Show Cause matter was held on March 13, 2013 in Fall Branch, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety and Homeland Security. Ms. Nina Harris, Staff Attorney III, Tennessee Department of Safety and Homeland Security, represented the State. Lienholder World Finance Corp. has been representing itself and did not appear for the hearing.

The 2003 Chevrolet Malibu, that is the subject of this hearing, was seized on May 11, 2012 because the Morristown Police Department found Driver Christina M. Cowan to

be driving on a revoked license and/or driving the subject vehicle during Driver Cowan's second or subsequent DUI.

Driver Cowan did not file a claim for the return of the subject vehicle. Lienholder World Finance Corp. timely filed to protect its interest as Lienholder.

By Order of November 12, 2012, the seized 2003 Chevrolet Malibu was forfeited to the seizing agency, subject to the lien of World Finance Corp. World Finance Corp. was required to take possession of the subject vehicle within thirty (30) days.

When several months passed, without World Finance Corp. taking possession, the State set this matter for a Show Cause hearing. On March 13, 2013, the Lienholder was given the opportunity to appear to explain the extensive delay in retrieval of the subject vehicle.

No attorney appeared at the hearing on the Lienholder World Finance Corp.'s behalf. The Lienholder had not moved that the hearing be continued.

The State moved that the Lienholder be held in default. The Lienholder received notice of the Show Cause Hearing on January 18, 2013, when it signed the US Postal Service receipt for the Notice of Hearing.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide World Finance Corp. notice of the date, time, and location of the hearing. The State's Motion for Default was **GRANTED**.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE LIENHOLDER THAT THE LIENHOLDER HAS BEEN HELD IN DEFAULT FOR THE LIENHOLDER'S FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. LIENHOLDER HAS FIFTEEN (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, SUITE 800, WILLIAM R. SNODGRASS BUILDING, 312 EIGHTH AVENUE NORTH NASHVILLE, TENNESSEE 37243, WITHIN THAT 15-DAY PERIOD. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE LIENHOLDER'S FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE LIENHOLDER DOES NOT REQUEST THE DEFAULT TO 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) 741-4469.

World Finance Corp. may move to have the Default Set Aside within fifteen (15) days, for good cause shown.

ORDER

The State moved that the interest of Lienholder World Finance Corp. be struck, for failure to appear at the hearing and for failure to retrieve the subject vehicle within the required thirty (30) days. The State's Motion to Strike Lienholder World Finance Corp.'s interest in the seized vehicle was **GRANTED**.

With there being no other Claimants or Lienholders for the seized vehicle, it is hereby **ORDERED** that the seized 2003 Chevrolet Malibu is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the interest, if any, of Lienholder World Finance Corp.

This Initial Order entered and effective this _____ day of May, 2013.

Mattielyn B. Williams
Administrative Judge

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

Thomas G. Stovall, Director
Administrative Procedures Division