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7-1-2013

## DC Fin Scvs Amer LLC vs. Department of Safety

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

**IN THE MATTER OF:** )  
 )  
**DEPARTMENT OF SAFETY** )  
 )  
**v.** )  
 )  
**One 2003 Cadillac DeVille** )  
**VIN: 1G6KD54Y83U199437** )  
**Seized from: Donald Jackson** )  
**Date of Seizure: 5/22/12** )  
**Lienholder: DC Fin. Svcs. Amer. LLC** )

**DOCKET NO. 19.05-119269J**  
**DOS Case No. M6825**

**ORDER**

This matter was heard on December 5, 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. Mr. Andre Thomas, Staff Attorney for the Department of Safety, represented the State. Lienholder was not present, nor was counsel present on its behalf. The State’s attorney has represented that no other person or entity has an interest in this property or has filed a claim in this matter.

This property was forfeited subject to the lienholder’s interest. The lienholder was notified of the forfeiture order, which set forth the time within which the lienholder was to take possession of the vehicle (30 days). It further provided that failure to take possession of the vehicle within the time allowed would result in forfeiture of the interest of the lienholder.

This hearing was to allow Claimant to appear and show cause why it has not complied with the terms of that Order, and show why the property should not be forfeited for its failure to fulfill its obligations under that Order of Forfeiture.

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 by certified mail to the address provided by the Claimant. The notice was received and signed for at this address. 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 IT 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.

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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.

Pursuant to the Order of Compromise, the subject property is FORFEITED TO THE SEIZING AGENCY.

This Initial Order entered and effective this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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Marion P. Wall  
Administrative Law Judge

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

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Thomas G. Stovall, Director  
Administrative Procedures Division