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1-9-2014

Carden, Rosevelt & Happy Valley CU vs. safety

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

IN THE MATTER OF: )  
)  
TENNESSEE DEPARTMENT OF )  
SAFETY & HOMELAND SECURITY )  
)  
v. )  
)  
One 2007 Chrysler 300 )  
VIN No.:2C3KA43R37HB841070 )  
Seized from: Jessica Carden )  
Date of Seizure: April 11, 2013 )  
Claimant: Roosevelt Carden )  
Lienholder: Happy Valley Credit Union )  
)

DOCKET NO. 19.05-122751J  
[D.O.S. CASE NO. N7595]

**NOTICE OF DEFAULT;  
INITIAL ORDER**

A hearing was held in this matter on September 11, 2013, in Fall Branch, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Safety and Homeland Security. Ms. Alyson Kennedy, Staff Attorney, Tennessee Department of Safety and Homeland Security, represented the State. Claimant Roosevelt Carden is representing himself. Claimant did not appear for the hearing.

The Claimant had not moved that the hearing be continued. No attorney appeared on Claimant's behalf.

The subject of the hearing was the proposed forfeiture of the subject 2007 Chrysler 300, seized by the Elizabethton Police Department, for its alleged operation by an individual, Jessica Carden, who was driving on a revoked license, pursuant to Tennessee Code Annotated §55-50-504.

The State moved that the Claimant be held in default. Exhibit 1, a copy of the US Postal Service's report, showed that the Claimant's copy of the Notice of Hearing was delivered on August 14, 2013.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide Claimant 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 CLAIMANT THAT THE CLAIMANT HAS BEEN HELD IN DEFAULT FOR THE CLAIMANT'S FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT 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 CLAIMANT'S FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE CLAIMANT 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.

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

**ORDER**

Lienholder Happy Valley Credit Union timely filed to protect its lienhold interest in the subject vehicle.

The State moved that the claim of Rosevelt Carden be struck, for failure to appear and come forward to present evidence. The State's Motion to Strike Claimant Carden's claim was **GRANTED**.

The State also moved that Claimant Carden's interest, if any, in the subject vehicle be struck. The State's Motion to Strike Claimant Carden's interest was **GRANTED**.

The State advised that there were no other claims pending for the return of the seized vehicle.

Therefore, it is hereby **ORDERED** that the seized 2007 Chrysler 300 is **FORFEITED** to the seizing agency, for disposition as provided by law, free from the claim and/or interest of Claimant Rosevelt Carden, but subject to the lienhold interest of Happy Valley Credit Union.

This Initial Order entered and effective this \_\_\_\_\_ day of January, 2014.

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Mattielyn B. Williams  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this \_\_\_ day of January, 2014.

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J. Richard Collier, Director  
Administrative Procedures Division