



University of Tennessee, Knoxville  
**Trace: Tennessee Research and Creative  
Exchange**

---

Tennessee Department of State, Opinions from the  
Administrative Procedures Division

Law

---

6-12-2014

## Creech, Sarah L. & Advance America Cash vs. Safety

Follow this and additional works at: [http://trace.tennessee.edu/utk\\_lawopinions](http://trace.tennessee.edu/utk_lawopinions)

---

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact [administrative.procedures@tn.gov](mailto:administrative.procedures@tn.gov)

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

IN THE MATTER OF: )  
)  
TENNESSEE DEPARTMENT OF )  
SAFETY & HOMELAND SECURITY )  
)  
v. )  
)  
One 2000 Lexus RX300 )  
VIN No.:JT6GF10UXY0076253 )  
Seized from: Sarah L. Creech )  
Date of Seizure: October 28, 2013 )  
Claimant: Sarah L. Creech )  
Lienholder: Advance America Cash )  
)

DOCKET NO. 19.05-125352J  
[D.O.S. CASE NO. P 3299]

**NOTICE OF DEFAULT;**

**INITIAL ORDER**

The hearing in this matter was held on March 27, 2014 in Knoxville, 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. Nina Harris, Staff Attorney III, Tennessee Department of Safety & Homeland Security, represented the State. Claimant Sarah L. Creech has been representing herself. Claimant Creech did not appear for the hearing.

Claimant had not moved that the hearing be continued.

Lienholder Advance America Cash timely filed to protect its lienhold interest in the subject vehicle.

The subject of the hearing was the proposed forfeiture of the subject vehicle, seized by the Tennessee Highway Patrol, for its alleged operation by an individual, Sarah L. Creech, 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. The USPS tracking showed that the Claimant's copy of the Notice of Hearing was delivered on March 11, 2014.

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 ROSA L. PARKS AVENUE, 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**

The State moved that the claim of Sarah L. Creech be struck for failure to appear. The State's Motion to Strike Claimant Creech's claim was **GRANTED**.

The State also moved that Claimant Creech's interest, if any, in the subject vehicle be struck. The State's Motion to Strike Claimant Creech'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 vehicle is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the claim and/or interest of Claimant Sarah L. Creech, but subject to the lienhold interest of Advance America Cash.

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

---

Mattielyn B. Williams  
Administrative Judge

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

---

J. Richard Collier, Director  
Administrative Procedures Division