

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

Name Of Defendant

Defendant's Drivers License No.

State

Vehicle Identification No.

Vehicle License No.

State

Vehicle Type

Make

Year

Date Of Seizure

Date Of Offense

ORDER FORFEITING MOTOR VEHICLE AFTER HEARING (DWI SEIZURE)

G.S. 20-28.2(b),(d); 20-28.5

NOTE: Use this form only to enter an order forfeiting a motor vehicle pursuant to G.S. 20-28.2.

FINDINGS OF FACT

This matter is before the Court to determine whether the vehicle described above (or proceeds related to the vehicle) shall be forfeited pursuant to G.S. 20-28.2. A hearing was held before the Court on this date. Based on the evidence presented and the entire record in this case, the Court finds by the greater weight of the evidence that:

1. The motor vehicle was seized on the date shown above while being driven by the defendant named above. The defendant was charged with an offense involving impaired driving and it was alleged that at the time of the violation the defendant's drivers license was revoked as a result of a prior impaired driving license revocation. the defendant did not have a valid drivers license and did not have liability insurance.
2. The motor vehicle has not previously been released to a non-defendant motor vehicle owner pursuant to G.S. 20-28.3(e1), a defendant owner pursuant to G.S. 20-28.3(e2), or a lienholder pursuant to G.S. 20-28.3(e3).
3. Pursuant to G.S. 20-28.2(c), the prosecutor has notified the defendant, each motor vehicle owner, and each lienholder that the motor vehicle may be subject to forfeiture and that the defendant, the motor vehicle owner, or the lienholder may intervene to protect that person's interest, and this notice was served at least ten (10) days before the hearing, as shown by the Prosecutor's Notice Of Hearing And Certificate Of Service on file in this case.
4. Neither the defendant, a non-defendant motor vehicle owner nor a lienholder appeared at this hearing or petitioned for release of the vehicle or, if any of them has so appeared or petitioned, all petitions have been denied. No non-defendant motor vehicle owner has been determined to be an innocent owner.
(Select appropriate option)
5. a. The defendant has been convicted of an offense involving impaired driving and at the time of the offense the defendant's drivers license was revoked pursuant to an impaired driving license revocation as defined in G.S. 20-28.2(a).
 b. The defendant has been convicted of an offense involving impaired driving and at the time of the offense the defendant was driving without a valid drivers license and was not covered by an automobile liability insurance policy.
 c. The defendant has not been convicted of an offense involving impaired driving, but the defendant failed to appear at his/her scheduled trial for that offense, at least sixty (60) days have elapsed since the date scheduled for that trial, and an order for the defendant's arrest has been issued and not set aside. The defendant is guilty of the offense involving impaired driving and at the time of the offense the defendant's drivers license was revoked as a result of a prior impaired driving license revocation as defined in G.S. 20-28.2(a). the defendant did not have a valid drivers license and was not covered by an automobile liability insurance policy.

CONCLUSIONS OF LAW

On the basis of the foregoing findings of fact, the Court concludes as a matter of law that the vehicle described above (or proceeds related to the vehicle) is subject to forfeiture pursuant to G.S. 20-28.2.

ORDER

It is ORDERED that the vehicle described above be forfeited, transferred to the county board of education named above and, at the board's option, either sold pursuant to G.S. 20-28.5 or retained and registered by it with the Division of Motor Vehicles pursuant to this Order, and the Clerk of Superior Court shall disburse to the county board of education all funds being held by the Clerk representing proceeds of insurance or proceeds from the sale of the motor vehicle.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

(Over)

(See reverse side for important Notes.)

APPEAL ENTRIES

- 1. The defendant named above in District Court gave notice of appeal from the conviction of the offense involving impaired driving found in the above Order. The issue of forfeiture shall be heard in Superior Court de novo.
- 2. The defendant named above gave notice of appeal to the appellate division from the conviction of the offense involving impaired driving found in the above Order. Pursuant to G.S. 20-28.5(e), enforcement of this Order is stayed pending determination of the appeal.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
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CERTIFICATION

The foregoing is a true and correct copy of the original on file in this office.

Date	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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NOTE TO CLERK: *The Clerk shall report to DMV by electronic means [STARS] the entry of an order of forfeiture. G.S. 20-28.8. The Clerk may also send a copy of the order of forfeiture to the county school board attorney and district attorney.*

FURTHER NOTE TO CLERK: *"Upon receipt of notice of conviction of a violation of an offense involving impaired driving while the person's license is revoked as a result of a prior impaired driving license revocation... [DMV] shall revoke the registration of all motor vehicles registered in the convicted person's name and shall not register a motor vehicle in the convicted person's name until the convicted person's license is restored." G.S. 20-54.1(a). DMV shall also "revoke the registration of the motor vehicle seized, and the owner [at the time of seizure] shall not be allowed to register the motor vehicle seized until the convicted operator's drivers license has been restored." G.S. 20-54.1(b). To facilitate implementation of these provisions, **if Findings of Fact No. 5.a. in this Order is selected**, the Clerk should enter the appropriate registration stop(s) into STARS. The clerk should not enter a registration stop against an owner who has been found to be an innocent owner as defined in G.S. 20-28.2.*