

County

In The General Court Of Justice
Before The Clerk Of Superior Court

Name And Address Of Petitioner

Name Of Defendant

Vehicle Identification Number

Vehicle License Number

State

Vehicle Make

Vehicle Model

Vehicle Year

Date Of Offense

Date Of Seizure

FELONY SPEEDING TO ELUDE – VEHICLE SEIZURE

NONDEFENDANT OWNER'S PETITION FOR
PRETRIAL RELEASE AS AN INNOCENT OWNER
AND ORDER OF CLERK

(For Offenses Committed Dec. 1, 2011 - Nov. 30, 2013)

G.S. 20-141.5

I. PETITION

The petitioner named above hereby requests the permanent release of the motor vehicle described above and, in support of this petition, states the following:

1. The petitioner is a. an individual. b. a corporation or other business entity acting through the undersigned agent.
2. The motor vehicle described above was seized on the date shown above after being driven by the defendant named above. The defendant was arrested for felony speeding to elude arrest pursuant to G.S. 20-141.5.
3. The petitioner holds legal title to the vehicle or is a mortgagor, conditional vendee or lessee of the vehicle under G.S. 20-4.01(26).
4. The petitioner was not the driver at the time of the alleged violation of G.S. 20-141.5 resulting in the seizure.
5. The petitioner is an innocent owner in that (explain) _____

Date

Signature Of Petitioner

II. FINDINGS OF FACT

The undersigned finds the following by the greater weight of the evidence:

1. The petitioner is a. an individual. b. a corporation or other business entity acting through the above-signed agent.
2. The motor vehicle described above was seized on the date shown above after being driven by the defendant named above. The defendant was arrested for felony speeding to elude arrest pursuant to G.S. 20-141.5.
3. The petitioner holds legal title to the vehicle or is a mortgagor, conditional vendee or lessee of the vehicle under G.S. 20-4.01(26).
4. The petitioner was not the driver at the time of the alleged violation of G.S. 20-141.5 resulting in the seizure.
5. The petitioner is an innocent owner in that (explain) _____

NOTE TO PETITIONER AND CLERK: "A nondefendant motor vehicle owner may file a petition with the clerk of court seeking a pretrial determination that the petitioner is an innocent owner. The clerk shall consider the petition and make a determination as soon as may be feasible. At any proceeding conducted pursuant to this subdivision, the clerk is not required to determine the issue of forfeiture, only the issue of whether the petitioner is an innocent owner. If the clerk determines that the petitioner is an innocent owner, the clerk shall release the motor vehicle to the petitioner." G.S. 20-141.5(h)(4).

(Over)

III. CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the undersigned makes the following conclusions of law: *(check one)*

- 1. *(petition granted)* Finding No. 1 through Finding No. 5 above having all been found, the petitioner is an innocent owner and is entitled to the permanent release of the motor vehicle described above.
- 2. *(petition denied)* Finding No. 1 through Finding No. 5 above having **NOT** all been found, the petitioner is not an innocent owner and is not entitled to the permanent release of the motor vehicle described above.

IV. ORDER

It is ORDERED that *(check one)*

- 1. *(petition granted)* the sheriff shall release the motor vehicle described above to the petitioner named above.
- 2. *(petition denied)* the motor vehicle described above shall remain impounded pending further orders of the court.

| | | | |
|------|----------------------|-----------|--|
| Date | Name (Type Or Print) | Signature | <input type="checkbox"/> Assistant Clerk <input type="checkbox"/> Clerk of Superior Court |
|------|----------------------|-----------|--|

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"/> Clerk Of Superior Court | <input type="checkbox"/> Assistant CSC |
|------|-----------|---|--|

NOTE TO CLERK: "The clerk shall send a copy of the order authorizing or denying release of the vehicle to the district attorney and the sheriff." G.S. 20-141.5(h)(4).

NOTE TO PETITIONER: "An order . . . finding that the petitioner failed to establish that the petitioner is an innocent owner may be reconsidered by the court as part of the forfeiture hearing [following conviction of the defendant for felony speeding to elude]." G.S. 20-141.5(h)(4). If the defendant is acquitted of the felony speeding to elude charge, or if the felony speeding to elude charge is dismissed, the sheriff shall release the motor vehicle to the owner. G.S. 20-141.5(g)(1).