

_____ County

In The General Court Of Justice
 District Superior Court Division

Name And Address Of Petitioner		<p>FELONY SPEEDING TO ELUDE – VEHICLE SEIZURE OWNER’S PETITION FOR RELEASE AND ORDER OF COURT</p> <p>(For Offenses Committed Dec. 1, 2011 - Nov. 30, 2013)</p> <p style="text-align: right;">G.S. 20-141.5</p>		
Name Of Defendant				
Vehicle Identification Number				
Vehicle License Number	State			
Vehicle Make	Vehicle Model	Vehicle Year	Date Of Offense	Date Of Seizure

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.
3. The defendant was arrested for felony speeding to elude arrest under G.S. 20-141.5. and has been convicted of that offense.
4. 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).
5. The petitioner was not the driver at the time of the violation of G.S. 20-141.5 resulting in the seizure.
6. The petitioner
 - a. is an innocent owner in that *(explain)* _____

At a proceeding on *(date)* _____, the Clerk of Superior Court did not find the petitioner to be an innocent owner and therefore denied the petitioner’s request for permanent pretrial release. The petitioner hereby requests that the court reconsider the Clerk’s denial pursuant to G.S. 20-141.5(h)(4) now that the defendant has been convicted of felony speeding to elude arrest.

- b. is entitled to release under G.S. 20-141.5(h)(3) because the defendant named above (i) was an immediate member of the owner’s family at the time of the offense, (ii) had no previous felony or misdemeanor convictions at the time of the offense and had no previous or pending violations of any provision in Chapter 20 of the General Statutes for the three years previous to the time of the offense, and (iii) was under the age of nineteen (19) at the time of the offense.

Date	Signature Of Petitioner
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NOTE TO PETITIONER AND COURT: *“If, at the time of hearing, or other proceeding in which the matter is considered, the owner of the vehicle can establish to the satisfaction of the court that the provisions of sub-subdivisions a. through c. of this subdivision apply, then the court shall not order a sale of the vehicle but shall restore it to the owner. The owner shall be entitled to a trial by jury upon the issues in this subdivision. a. The defendant was an immediate member of the owner’s family at the time of the offense. b. The defendant had no previous felony or misdemeanor convictions at the time of the offense and had no previous or pending violations of any provision in Chapter 20 of the General Statutes for the three years previous to the time of the offense. c. The defendant was under the age of 19 at the time of the offense.” G.S. 20-141.5(h)(3). “An order issued [prior to trial by the Clerk of Superior Court] 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 under this section.” G.S. 20-141.5(h)(4).*

(Over)

II. FINDINGS OF FACT

The Court 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.
- 3. The defendant was arrested for felony speeding to elude arrest under G.S. 20-141.5. and has been convicted of that offense.
- 4. 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).
- 5. The petitioner was not the driver at the time of the alleged violation of G.S. 20-141.5 resulting in the seizure.
- 6. a. The petitioner is an innocent owner in that (*explain*) _____

- b. The defendant named above (i) was an immediate member of the owner's family at the time of the offense, (ii) had no previous felony or misdemeanor convictions at the time of the offense and had no previous or pending violations of any provision in Chapter 20 of the General Statutes for the three years previous to the time of the offense, and (iii) was under the age of nineteen (19) at the time of the offense.

III. CONCLUSIONS OF LAW

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

- 1. (*petition granted*) Finding No. 1 through Finding No. 6 above having all been found, the petitioner is entitled to the permanent release of the motor vehicle.
- 2. (*petition denied*) Finding No. 1 through Finding No. 6 above having **NOT** all been found, the petitioner is not entitled to the permanent release of the motor vehicle.

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 Of Judge (Type Or Print)	Signature Of 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 COURT: *If the defendant has been convicted of felony speeding to elude arrest under G.S. 20-141.5, and there is no owner or lienholder entitled to release, the motor vehicle is subject to forfeiture and sale. G.S. 20-141.5(h). Use form AOC-CR-278 for this purpose.*