

(TYPE OR PRINT IN BLACK INK)
STATE OF NORTH CAROLINA
County

File No.

In The General Court Of Justice
District Court Division

**OFFICER'S AFFIDAVIT FOR SEIZURE AND
IMPOUNDMENT AND MAGISTRATE'S ORDER -
FELONY SPEEDING TO ELUDE**

G.S. 20-28.3

Name And Address Of Defendant

Defendant's Drivers License No.

State

Name And Address Of Vehicle Owner

Vehicle Identification No.

Vehicle License No.

State

Year

Make

Model

Body Style

Present Location Of Motor Vehicle

Date Of Offense

Date Of Seizure

Time Of Seizure

AM

PM

I. OFFICER'S AFFIDAVIT

The undersigned being first duly sworn says:

1. I am a law enforcement officer. On or about the date of offense shown above, I had probable cause to believe that the defendant named above drove the motor vehicle described above in the above county upon (Give street, highway or public vehicular area.) _____ while committing the offense of felony speeding to elude arrest in violation of G.S. 20-141.5(b) 20-141.5(b1) in that: (List sufficient facts to constitute probable cause.) _____
2. I charged the defendant with an offense in violation of the statute cited above.
3. A check of law enforcement records or other reliable information indicates that the motor vehicle described above has not been reported stolen.
4. The motor vehicle described above is not a rental vehicle, or if it is a rental vehicle, the defendant is listed as an authorized driver on the rental contract.
5. (a) On the date of seizure shown above, I seized the vehicle described above and it is presently at the location shown above.
 (b) The motor vehicle has not yet been seized.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Signature Of Seizing Officer

Date

Signature Of Official Authorized To Administer Oaths

Name Of Seizing Officer (type or print)

Magistrate Deputy CSC Assistant CSC Clerk Of Superior Court

Name Of Department Or Agency Of Officer

Notary

Date My Commission Expires

SEAL

County Where Notarized

II. MAGISTRATE'S ORDER

On the basis of the facts set forth in the above Affidavit and any additional information furnished under oath, the undersigned finds that the requirements of G.S. 20-28.3 for the seizure and impoundment of the motor vehicle described above have have not been met.

1. a. It is ORDERED that the above described motor vehicle be impounded and held pending further orders of the court.
 b. It is ORDERED that any officer with authority and jurisdiction seize the above described motor vehicle and that it be impounded and held pending further orders of the court.
2. It is ORDERED that the above described motor vehicle be released to the motor vehicle owner upon payment of all towing and storage charges incurred as a result of the seizure of that vehicle.

Date

Name Of Magistrate (type or print)

Signature Of Magistrate

NOTE TO OFFICER:

The seizing officer shall notify the Division of Motor Vehicles (DMV) of the seizure as soon as practical, but not later than 24 hours after the seizure of the motor vehicle. G.S. 20-28.3(b). The seizing officer should complete form LT-176 and forward it to the officer's DCI terminal operator. The terminal operator will then transmit the information to DMV via DCI. This Order authorizes any officer with jurisdiction to enter the property of the defendant to seize the motor vehicle. Consent or a search warrant is required to enter the private property of another. G.S. 20-28.3(c1).

NOTE TO MAGISTRATE:

The magistrate shall provide the original of this form to the Clerk. G.S. 20-28.3(c). The magistrate should provide copies to the defendant and to the seizing officer.

NOTE TO CLERK:

If a seizure is ordered, the Clerk shall provide copies of this form to the district attorney and the attorney for the county board of education. G.S. 20-28.3(c).