STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Defendant/Petitioner			
Defendant/Petitioner's Drivers License No.	State		
Vehicle Identification No.			
Vehicle License No.	State		
Vehicle Type / Make / Year	Date Of Seizure	Date Of Offense	

DEFENDANT OWNER'S PETITION FOR RELEASE OF SEIZED VEHICLE AND ORDER - IMPAIRED DRIVING

G.S. 20-28.3(e2)(1)

I. PETITION

The undersigned petitions for a pretrial determination that the petitioner's drivers license was not revoked pursuant to an impaired driving license revocation and for release of the petitioner's motor vehicle, and says:

1. The motor vehicle described above was seized on the date shown above pursuant to G.S. 20-28.3. I was charged with committing an impaired driving offense and it was alleged that at the time of the offense my drivers license was revoked pursuant to an impaired driving license revocation as defined in G.S. 20-28.2(a).
2. I am a person in whose name a registration card, an electronic notice of registration, or certificate of title for the motor vehicle was issued **at the time of the seizure**.
3. At the time of the seizure, my drivers license was not revoked as a result of an impaired driving license revocation as defined in G.S. 20-28.2(a) because:
   - ☐ a. Any periods of revocation had expired prior to the date of the alleged offense.
   - ☐ b. If my drivers license was revoked at the time of the alleged offense, it was not as a result of an impaired driving license revocation.
   - ☐ c. I do not hold a North Carolina drivers license and my privilege to drive in North Carolina has not been revoked pursuant to an impaired driving license revocation.
   - ☐ d. Other: *(specify)* _____
4. I have financial responsibility to the extent required by Article 13 of Chapter 20 of the General Statutes.

Name And Address Of Defendant/Petitioner (type or print)	Telephone No. Of Defendant/Petitioner
	Date
	Signature Of Defendant/Petitioner

II. STATE'S DETERMINATION ON RELEASE OF VEHICLE

(check one)

☐ 1. Based on available information, the district attorney has determined that the motor vehicle described above is not subject to forfeiture under G.S. 20-28.2 because the drivers license of the defendant/petitioner named above was not revoked pursuant to an impaired driving license revocation. Therefore, **the State consents** to the release of the motor vehicle to the defendant/petitioner.

☐ 2. Based on available information, the district attorney has determined that the defendant/petitioner has not satisfied the requirements for release under G.S. 20-28.3(e2)(1). The State **does not consent** to the release of the motor vehicle to the defendant/petitioner.

Date	Name Of Prosecutor (type or print)	Signature Of Prosecutor

III. CLERK'S ORDER RELEASING MOTOR VEHICLE TO DEFENDANT ON STATE'S CONSENT

On the petition of the defendant/petitioner named above for a pretrial determination that the defendant/petitioner's drivers license was not revoked pursuant to an impaired driving license revocation and for release of the defendant/petitioner's motor vehicle, the undersigned finds:

1. The State has noted on the petition its consent to the release of the vehicle.
2. The defendant/petitioner is a person in whose name a registration card, an electronic notice of registration, or certificate of title for the motor vehicle was issued **at the time of the seizure**.
3. The Clerk has been furnished proof of the existence of financial responsibility to the extent required by Article 13 of Chapter 20 of the General Statutes, and is satisfied that the defendant/petitioner is financially responsible.

THEREFORE, it is ordered that the motor vehicle described above be released to the petitioner named above upon payment of all towing and storage charges incurred as a result of the seizure and impoundment of that vehicle.

Date	Signature	
		☐ *Assistant CSC* ☐ *Clerk Of Superior Court*

NOTICE TO PARTY OBTAINING RELEASE: *"[W]ithin 30 days of the date of the court's [release] order, the owner must make payment of the outstanding towing and storage costs for the motor vehicle and retrieve the motor vehicle, or give notice to [the] Division of Motor Vehicles requesting a judicial hearing on the validity of any mechanics' lien on the motor vehicle for towing and storage costs." G.S. 20-28.4.*

NOTE TO CLERK: *The Clerk shall send a copy of the order of release to the county school board attorney, G.S. 20-28.3(e2), and shall report the entry of an order of release to DMV by electronic means (STARS), G.S. 20-28.8.*

© 2026 Administrative Office of the Courts

IV. NOTICE OF HEARING

To the defendant/petitioner, to the District Attorney for the prosecutorial district that includes the county named above, and to the attorney for the board of education of the county named above:

A hearing on the above petition will be held on the date and at the time and location shown below.

Date Of Hearing	*Time Of Hearing* ☐ AM ☐ PM	*Location Of Hearing*

Date	*Signature*	☐ *Assistant CSC* ☐ *Clerk Of Superior Court*

NOTE TO CLERK: *"If the seizure was for an offense involving impaired driving, a defendant motor vehicle owner may file a petition with the clerk of court seeking a pretrial determination that the defendant's license was not revoked pursuant to an impaired driving license revocation as defined in G.S. 20-28.2(a). The clerk shall schedule a hearing before a judge of the division in which the underlying criminal charge is pending for a hearing to be held within 10 business days or as soon thereafter as may be feasible. Notice of the hearing shall be given to the defendant, the district attorney, and the attorney for the county board of education." If the State has consented to the release on Side One, a hearing is unnecessary. G.S. 20-28.3(e2)(1).*

V. ORDER ON PETITION AFTER HEARING

This matter is before the Court on the petition of the defendant/petitioner named on the reverse side for a pretrial determination that the defendant/petitioner's drivers license was not revoked pursuant to an impaired driving license revocation and for release of the motor vehicle described on the reverse side. A hearing was held before the Court on this date. On the basis of the evidence presented and the entire record in this action, the Court finds by the greater weight of the evidence that:

1. The motor vehicle described on the reverse side was seized on the date shown above pursuant to G.S. 20-28.3. The defendant/petitioner was charged with committing an impaired driving offense and it was alleged that at the time of the offense the defendant/petitioner's drivers license was revoked pursuant to an impaired driving license revocation as defined in G.S. 20-28.2(a).

☐ 2. The defendant/petitioner is a person in whose name a registration card, an electronic notice of registration, or certificate of title for the motor vehicle was issued **at the time of the seizure**.

☐ 3. The defendant/petitioner has established that at the time of the above offense, the defendant/petitioner's drivers license was not revoked as a result of an impaired driving license revocation as defined in G.S. 20-28.2(a).

4. The Court has been furnished proof of the existence of financial responsibility to the extent required by Article 13 of Chapter 20 of the General Statutes, and is satisfied that the defendant/petitioner is financially responsible.

Therefore, it is ORDERED that:

☐ 1. The motor vehicle described on the reverse side be released to the defendant/petitioner named on the reverse side upon payment of all towing and storage charges incurred as a result of the seizure and impoundment of that vehicle.

☐ 2. The petition is denied because the petitioner has failed to establish the facts necessary to support one or more of the findings required for release of the vehicle. The motor vehicle shall remain impounded pending further orders of the Court. If this Order is entered after a hearing on pretrial release, it may be reconsidered by the Court as part of the forfeiture hearing conducted pursuant to G.S. 20-28.2(d).

Date	*Signature*	*Name (type or print)*
		☐ *District Court Judge* ☐ *Superior Court Judge*

NOTICE TO PARTY OBTAINING RELEASE: *"[W]ithin 30 days of the date of the court's [release] order, the owner must make payment of the outstanding towing and storage costs for the motor vehicle and retrieve the motor vehicle, or give notice to [the] Division of Motor Vehicles requesting a judicial hearing on the validity of any mechanics' lien on the motor vehicle for towing and storage costs." G.S. 20-28.4.*

CERTIFICATION

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

Date	*Signature*	☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court*

NOTE TO CLERK: *The Clerk shall report the entry of an order of release to DMV by electronic means (STARS), G.S. 20-28.8. The Clerk may also send a copy of the order of release to the county school board attorney.*

© 2026 Administrative Office of the Courts