STATE OF NORTH CAROLINA

_____ County

File No.

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

Name Of Defendant		ORDER RELEASING SEIZED MOTOR VEHICLE TO DEFENDANT-OWNER OR NON-DEFENDANT MOTOR VEHICLE OWNER AFTER DISPOSITION OF CRIMINAL CHARGES - IMPAIRED DRIVING G.S. 20-28.4		
Defendant's Drivers License No.	State			
Name Of Motor Vehicle Owner (See Note)				
Motor Vehicle Owner's Drivers License No.	State			
Vehicle Identification No.		Vehicle Type	Make	Year
Vehicle License No.	State	Date Of Seizure	Date Of Offense	

NOTE: *Use this form only to enter an order releasing a motor vehicle to the defendant-owner or other motor vehicle owner (1) after the defendant has been found not guilty of the underlying offense involving impaired driving, or (2) after the charge has been dismissed without leave, or (3) after the defendant has pled to or been convicted of a lesser offense, or (4) after the Court otherwise has failed to find that the criteria for forfeiture in G.S. 20-28.2(b) or (b1) have been met. To enter an order forfeiting a seized motor vehicle, use "Order Forfeiting Motor Vehicle After Hearing-Impaired Driving," AOC-CR-335A.*
In the space labeled "Name Of Motor Vehicle Owner" above, enter the name of the owner to whom the motor vehicle is to be released. If this is the defendant, enter the defendant's name here as well as in the space for "Name Of Defendant."

FINDINGS OF FACT

This matter is before the Court to determine whether the vehicle described above shall be forfeited pursuant to G.S. 20-28.2. Based on the evidence presented and the entire record in this case, the Court finds that:

1. The motor vehicle was seized on the date shown above while being driven by the defendant named above. The vehicle was seized pursuant to G.S. 20-28.3(a).
2. The motor vehicle owner named above 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 seizure.
3. The defendant was subsequently not convicted of an offense involving impaired driving, or if the defendant was convicted the Court finds that ☐ *(applicable to offenses committed prior to December 1, 2013)* the defendant's drivers license was not revoked as a result of a prior impaired driving license revocation as defined in G.S. 20-28.2(a). ☐ *(applicable to offenses committed on or after December 1, 2013)* the criteria for forfeiture in G.S. 20-28.2(b) or (b1) otherwise have not been met.

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 is not subject to forfeiture pursuant to G.S. 20-28.2.

ORDER

It is ORDERED that the motor vehicle described above and any funds held by the Clerk representing proceeds of insurance be released to the motor vehicle owner named above upon payment of all towing and storage charges incurred as a result of the seizure and impoundment of that vehicle, and the Clerk shall disburse to the motor vehicle owner all funds held by the Clerk representing proceeds of the sale of the motor vehicle.

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding 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 to DMV by electronic means [STARS] the entry of an order of release. G.S. 20-28.8. The Clerk also may send a copy of the order of release to the county school board attorney and District Attorney.*

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