

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
(DEFENDANT HAD NO IMPAIRED DRIVING
LICENSE REVOCATION)
AND ORDER

G.S. 20-28.3(e2)

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with committing an impaired driving offense and it was alleged that at the time of the offense my drivers license was revoked pursuant to an impaired driving offense.
2. I am a person in whose name a registration card or certificate of title for the motor vehicle was issued at the time of the seizure.

At the time of the seizure, my drivers license was not revoked as a result of an impaired driving license revocation because:

- a. Any periods of revocation had expired prior to the date of the alleged offense.
b. If my driving license was revoked at the time of the alleged offense, it was not as a result of an impaired driving license revocation.
c. I do not hold a North Carolina drivers license and my privilege to drive in North Carolina has not been revoked pursuant to an impaired driving license revocation.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)

Name, Address And Telephone No. Of Defendant/Petitioner (Type Or Print) Date
Drivers License No. State
Signature Of Defendant/Petitioner

II. STATE'S CONSENT TO RELEASE OF VEHICLE

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.

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 or certificate of title for the motor vehicle was issued at the time of the seizure.
3. The Clerk has been furnished a properly executed form FS-1, 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

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.

IV. 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 offense.
- 2. The defendant/petitioner is a person in whose name a registration card 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 licence revocation.
- 4. The Court has been furnished a properly executed form FS-1, 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)
		<input type="checkbox"/> District Court Judge <input type="checkbox"/> Superior Court Judge

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 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.