

STATE OF TENNESSEE
DEPARTMENT OF SAFETY - LEGAL SERVICES
1150 Foster Avenue, McCord Hall
NASHVILLE, TENNESSEE 37243-1000

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PROPOSED CIVIL SETTLEMENT AGREEMENT AND RELEASE OF LIABILITY

DATE: _____ D.O.S. CASE #: _____
NAME OF SEIZING AGENCY _____
PERSON PROPERTY SEIZED FROM _____ DATE OF SEIZURE _____

Dear Sir:
The following settlement is presented after careful consideration for your review and consent. It is understood that this proposed agreement is not binding on the State until signed by a Department of Safety State Attorney. By mutual consent of all parties involved, it is agreed that the CLAIMANT(S), _____, and PROPERTY OWNER, _____, will compromise his/her claim to the following property:

1. CURRENCY: \$ _____ 2. VEHICLE: (Year) _____ (Make) _____
(Model) _____ (VIN #) _____
3. JEWELRY: _____ 4. MISC. PROPERTY: _____

IT IS AGREED THAT:

1. Forfeit Vehicle to the Seizing Agency.
2. Forfeit Vehicle to the Seizing Agency Subject to the Lien.
3. \$ _____ Of U.S. Currency Forfeited to the Seizing Agency, and \$ _____ of U.S. Currency Returned to the Claimant, _____.
4. Forfeits _____ to the Seizing Agency.
5. Return _____ to the Claimant, _____, for a Civil Settlement of \$ _____ to the Seizing Agency.
6. Other: _____
Tow-in Fees: _____ Storage Fees (if applicable): _____

CLAIMANT will pay Administrative costs in the amount of \$ _____. (CALL 865-594-6519 FOR THE ADMINISTRATIVE COST)

This settlement is contingent upon the CLAIMANT having properly filed a petition with the Department of Safety within the thirty (30) days required by TCA. 40-33-206(A). Settlement will not be honored if CLAIMANT has failed to meet the filing requirements. Seized property shall not be returned before the issuance of an ORDER by the Commissioner of the Tennessee Department of Safety. CLAIMANT agrees to pay the settlement amount and/or take possession of the seized property before the expiration of the time period set forth in the ORDER. Claimant agrees that failure to meet the terms of this settlement will result in forfeiture of their interest.

CLAIMANT further voluntarily waives his constitutional right to be free from excessive fines or cruel and unusual punishment under the federal and state constitution as it may apply to any future criminal prosecution, or to this forfeiture proceeding. CLAIMANT understands that by entering this agreed settlement h/she waives the above constitutional claims in any future criminal prosecution for those acts giving rise to this forfeiture action. Furthermore, CLAIMANT by his/her signature below does waive any legal claim or cause of action which he/she might otherwise have as a result of any acts underlying this forfeiture proceeding.

This CIVIL SETTLEMENT is not intended and should not be construed as an admission of liability of the State, the seizing agency, or its employees, nor as a waiver of the State's sovereign immunity or the employee's official immunity.

CLAIMANT acknowledges that no promise, inducement or agreement not contained herein has been made to him/her, and that this AGREEMENT contains the entire terms of the agreement between the parties, which terms are contractual and not a mere recital. The parties have carefully read this agreement, know and understand its contents and sign as their own free act and deed.

It being the intent of the parties to fully settle all claims under Tennessee's civil forfeiture law arising in connection with the above seizure, agreement is entered into by and between _____, CLAIMANT(S), and the STATE OF TENNESSEE through the COMMISSIONER OF THE TENNESSEE DEPARTMENT OF SAFETY, or its agents, I certify by signature on this document that CLAIMANT/CLAIMANT'S ATTORNEY acknowledges that the above has been explained to him/her, and that CLAIMANT is in agreement with the above settlement, and that said settlement shall constitute the final disposition of the above-described property.

(Seizing Agency Rep/Title)

(Claimant) and/or (Attorney of Record)

(Department of Safety State Attorney)

(Claimant) and/or (Attorney of Record)