

Walton County Department Agenda Request

Department Name: **Walton County Sheriff's Office**

Department Head/Representative: **Tammy Kirk**

Meeting Date Request: **01/04/22**

Has this topic been discussed at past meetings?

If so, When?

TOPIC: **Keeping a seized vehicle that has been forfeited.**

Wording For Agenda: **Keeping a seized vehicle that has been forfeited** *V.W Passat*

This Request: Informational Purposes Only Needs Action by Commissioners* **yes**

*What action are you seeking from the Commissioners? **Acceptance**

Department Comments/Recommendation:

Additional Documentation Attached? **Copy of order**

Is review of this request or accompanying documentation by the County Attorney required? **no**

If so, has a copy of the documentation been forwarded to County Attorney? **no**

Date forwarded to County Attorney:

Has the County Attorney review been completed?

If this request involves the expenditure of county funds, please answer the following:

Approved in current budget?

Budget information attached?

Comments:

Purchasing Department Comments:

County Attorney Comments:

Chairman's Comments:

IN THE SUPERIOR COURT OF WALTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA, *ex rel*,
Randy McGinley, District Attorney
Plaintiff,

-vs-

A 2013 VOLKSWAGEN PASSAT VIN
1VWAH7A32DC016765,
Defendant in rem, and

OWNERS & INTEREST HOLDERS:
SCOTT WESLEY WOODING
Claimant(s).

CIVIL ACTION No.
2021CV1923-5
CIVIL ACTION IN REM

ORDER OF DISTRIBUTION

Under the application of the Honorable Randy McGinley, District Attorney for the Alcovy Judicial Circuit, or his lawfully appointed assistant, for an Order of Distribution of the forfeited property pursuant to the provisions of O.C.G.A. § 9-16-19, the Court orders as follows:

1.

That the Defendant property seized in Walton County, Georgia, on May 19, 2021, having been forfeited to the State of Georgia by operation of law pursuant to O.C.G.A. §9-16-11(c)(4), shall be distributed as follows in accordance with O.C.G.A. §9-16-19(f).

2.

That, when no longer needed for evidentiary purposes, the ONE (1) 2013 VOLKSWAGEN PASSAT VIN 1VWAH7A32DC016765 either be sold by any commercially feasible means or kept by the Walton County Sheriff's Office (hereinafter 'WCSO') as an in-kind distribution and used for official law enforcement purposes. WCSO shall determine the fair market value of the aforementioned property. In accordance with O.C.G.A. § 9-16-19(f)(2), the fair market value shall hereinafter be referred to as "the pool" for distribution.

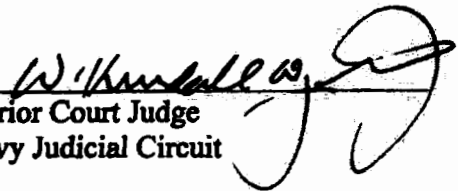
3.

The pool shall be distributed in the following manner in accordance with O.C.G.A. §9-16-19(f):

- a. Eighty Dollars (\$80.00) for court costs due to the Clerk of Superior Court of Walton County shall be paid by the WCSO pursuant to O.C.G.A. §9-16-19(f)(3)(a);

- b. From the balance remaining in the pool, ten percent (10%) thereof shall be paid to the Walton County District Attorney's Office by the WCSO to be used for official prosecutorial purposes pursuant to O.C.G.A. §9-16-19(f)(3)(B);
- c. The balance shall be distributed to the WCSO to be used for official law enforcement purposes pursuant to the provisions of O.C.G.A. §9-16-19(f)(3)(C);

SO FOUND AND ORDERED this the 8th day of December, 2021.



Superior Court Judge
Alcovy Judicial Circuit

Prepared by:
Jennifer Hendee
Assistant District Attorney

IN THE SUPERIOR COURT OF WALTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA, *ex rel*,
Randy McGinley, District Attorney
Plaintiff,

-vs-

A 2013 VOLKSWAGEN PASSAT VIN
1VWAH7A32DC016765,

Defendant in rem, and

OWNERS & INTEREST HOLDERS:
SCOTT WESLEY WOODING
Claimant(s).

CIVIL ACTION No.
2021CV1923-5
CIVIL ACTION IN REM

ORDER OF FORFEITURE

The State's Motion for Order of Forfeiture and Distribution of Property having been read and considered, the Court hereby finds as follows:

1.

That the State has complied with the provision of O.C.G.A. 9-16-11 with respect to the defendant property seized in Walton County, Georgia, on May 19, 2021.

2.

That no claim has been filed against the defendant property pursuant to the provisions of O.C.G.A. § 9-16-11, and the time for filing a claim has elapsed.

WHEREFORE, it is hereby ordered and declared as follows:

- a. That the defendant property and all right, title, and interest thereto stands and is forfeited to the State of Georgia pursuant to the provisions of O.C.G.A. §9-16-11(c)(4); and
- b. That the Court retain jurisdiction of this action to direct the proper disposition and distribution of the forfeited defendant property as provided by O.C.G.A. § 9-16-19.

The State is further ordered to draft an Order of Distribution pursuant to O.C.G.A. 9-16-19 and proceed accordingly.

SO FOUND AND ORDERED this the 8th day of December 2021.


Superior Court Judge
Alcovy Judicial Circuit

Prepared by:
Jennifer Hendee, Assistant District Attorney