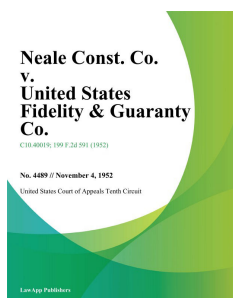


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NEALE CONST CO V UNITED STATES FIDELITY GUARANTY CO EBOOKS 2019



Author: United States Court of Appeals Tenth Circuit

Realese Date: Expected @@expectedReleaseDate@@

This appeal raises the question of whether the trial court was justified in remitting the forfeiture of an automobile which had been seized by federal officers while being used for the unlawful transportation of intoxicating liquors in violation of 26 U.S.C.A. Â§ 3253. The automobile was subject to forfeiture under Title 26 U.S.C.A. Â§ 3116. The Associates Discount Corporation, the assignee and holder of a note and conditional sales contract, sought remission of the forfeiture under Title 18 U.S.C.A. Â§ 3617. This section provides that the court in such forfeiture proceedings may not allow a remission or mitigation of the forfeiture unless the claimant proves: 1, that he has an interest in the vehicle as owner or otherwise which he acquired in good faith; 2, that he had at no time any knowledge or reason to believe that the vehicle was being or would be used in the violation of laws of the United States or any State relating to liquor; and 3, if it appears that the interest asserted by the claimant arises out of or is in any way subject to any contract or agreement under which any person having a record or reputation for violating the laws of the United States or any State relating to liquor which the claimant could have discovered by inquiry of designated officers.

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