

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	12 - 1065
Plaintiff	:	
	:	
vs.	:	CIVIL ACTION
	:	
\$100 U.S. CURRENCY and	:	
ONE 2007 DODGE RAM 150,	:	FORFEITURE -
VIN# 1D7HU18227S233045	:	LIENHOLDER STATUS

Reputed Owner: **Robert Goff**, Inmate # **MK1449**
SCI- Rockview, Rockview Pl, Bellefonte, PA 16823

ORDER AND OPINION

This matter comes before the Court by way of a forfeiture petition filed by the Commonwealth. At the time of trial, the parties stipulated that the Commonwealth met its burden to establish that the property was subject to forfeiture pursuant to 6801(a) of the Act, 42 Pa. C.S.A. 6801. At that time, Sharon Pringle came forward seeking relief pursuant 42 Pa.C.S. § 6802(k) as to the 2007 Dodge Ram 150, vin # 1D7HU18227S233045 (“Vehicle” or “2007 Dodge Ram”). The Commonwealth waived objection to any procedural defect or irregularity as to the relief sought, and the parties proceeded to present evidence on that issue. The sole issue before the Court is whether Sharon Pringle qualifies as a lienholder pursuant to 42 Pa.C.S. § 6802(k).

Procedural Background

On June 1, 2012, The Commonwealth filed a petition for forfeiture and condemnation as to \$100.00 U.S. Currency and One 2007 Dodge Ram 150. The Commonwealth alleged that the property was seized on March 15, 2012. The Commonwealth alleged that the property was subject to forfeiture and condemnation pursuant to 6801(a) of the Act, 42 Pa. C.S.A. 6801. Specifically, the Commonwealth alleged that the \$100 was “buy money” exchanged in a drug

transaction that occurred on March 15, 2012 and that the vehicle was used by its owner, Robert Goff, in the drug transaction. Robert Goff filed an answer to the petition for forfeiture and condemnation on December 5, 2012, claiming ownership of the property and denying that the property was used to facilitate criminal activity or subject to forfeiture. On March 14, 2013, the parties stipulated that the matter be continued while the criminal charges against Mr. Goff were pending. On December 8, 2014, the Commonwealth petitioned for a pre-trial conference. The parties filed pre-trial statements in February 2015. At the pre-trial conference on March 3, 2015, the parties agreed that they were not ready to proceed and requested that the matter be continued to the next trial term. A hearing on the Commonwealth's petition for forfeiture was scheduled for January 28, 2016. At that time, the parties reached an agreement as to that petition. However, Sharon Pringle came forward with a claim for lienholder status. By agreement, the parties presented evidence on the lienholder status. The parties were given an opportunity to brief the issue. The last memorandum on the issue was filed by Ms. Pringle on February 19, 2016. The matter is ripe for decision.

Findings of Fact

1. By stipulation, the Court finds the facts necessary to support the Commonwealth's burden for forfeiture of the property, including the 2007 Dodge Ram 150.
2. The vehicle was purchased with money that Sharon Pringle obtained through a line of credit secured by her residence because of her personal relationship with Mr. Goff.
3. Sharon Pringle made payments on the line of credit whenever Mr. Goff failed to make a payment or full payment.
4. Title was issued on or about November 16, 2009 only in Mr. Goff's name.

5. Sharon Pringle was not listed as a lienholder and has never been listed as a lienholder on the title or otherwise.
6. Sharon Pringle did not require that Mr. Goff make all of the payments he was to make.
7. Sharon Pringle paid the difference in any partial payment and made the full payment when Mr. Goff failed to do so.
8. Sharon Pringle did not have an oral or written agreement that the truck would be returned to if Mr. Goff failed to make payments or any other circumstances.
9. Sharon Pringle was not in the business of financing other individuals in purchasing vehicles.
10. Sharon Pringle assisted Mr. Goff in financing the vehicle because of their personal relationship.
11. Sharon Pringle was not aware and did not consent to Mr. Goff using the vehicle in a drug transaction.
12. Ms. Pringle did not take any steps to ensure that she had a legal remedy against Mr. Goff if Mr. Goff failed to make payments.
13. Ms. Pringle did not file an objection to forfeiture alleging that she was an equitable owner of the vehicle.

Conclusions of Law

14. By agreement, the property (the \$100.00 U.S. Currency and 2007 Dodge Ram), is subject to forfeiture pursuant to 6801(a) of the Act, 42 Pa. C.S.A. 6801, and the Commonwealth met its burden regarding the forfeiture petition.
15. The vehicle was lawfully acquired and possessed by Mr. Goff.
16. Ms. Pringle had no knowledge of any unlawful use by Mr. Goff.

17. Sharon Pringle has not met her burden to establish that she herself lawfully acquired, possessed and used the 2007 Dodge Ram.
18. Sharon Pringle did not establish the amount that Mr. Goff paid for the vehicle.
19. Sharon Pringle has not met her burden of establishing lawful ownership, right of possession, a lien or reservation of title with respect to the property claimed (2007 Dodge Ram) as required pursuant to 42 Pa.C.S. § 6802(k) for the Court to Order that the property be returned to her under that provision.

Discussion

The sole issue is whether Sharon Pringle is entitled to relief pursuant to 42 Pa.C.S. § 6802(k) which provides a separate remedy to lienholders to prevent loss of their interest in the property. Brown v. Commonwealth, 940 A.2d 610 (Pa. Cmwlth. 2008). Section 6802(k) of the Forfeiture Act “applies only to third-party creditors who claim a valid lien on the property forfeited, whose rights are protected under 42 Pa. C.S. §6801(a)(6)(iii).” Brown, surpa, 940 A.2d at 615. The Commonwealth Court stated that the remedy in Section 6802(k) is not available to an owner. Brown, surpa, 940 A.2d at 616.

(k) Court-ordered release of property. --

If a person **claiming the ownership of or right of possession** to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon the property, the disposition of which is provided for in this section, prior to the sale presents a petition to the court **alleging over the property lawful ownership, right of possession, a lien or reservation of title** and if, upon public hearing, due notice of which having been given to the Attorney General or the district attorney, the claimant shall prove by competent evidence to the satisfaction of the court that **the property was lawfully acquired, possessed and used *by him*** or, it appearing that the property was unlawfully used by a person other than the claimant, that the unlawful use was without the claimant's knowledge or consent, then the court may **order the property returned or delivered to the claimant**. Such absence of knowledge or consent must be reasonable under the circumstances presented. Otherwise, it shall be retained for official use or sold in accordance with section 6801(e) or 6801.1(f). 42 Pa.C.S. § 6802(k)(emphasis added).

In the present case, Sharon Pringle financed the vehicle but did not take any steps to ensure that she had a legal interest in the vehicle or could recover the vehicle in the event Mr. Goff failed to make payments. Title was in Mr. Goff's name. Ms. Pringle was not listed on the title with a lien. Ms. Pringle did not enter a written or oral contract with Mr. Goff as to what would happen if Mr. Goff failed to make payments to Ms. Pringle's creditor when those payments became due. The course of conduct between the parties was that Ms. Pringle would make up the difference in any partial payments or would make the payment in full when Mr. Goff failed to do so. To the extent Ms. Pringle had an equitable claim such as unjust enrichment, Ms. Pringle never claimed ownership or filed objection to the petition for forfeiture. Ms. Pringle did not even keep track or have a ballpark figure as to how much Mr. Goff failed to pay. As such, the Court cannot conclude that Ms. Pringle established over the property lawful ownership, right of possession, a lien or reservation of title as required under the Forfeiture Act.

Since the Forfeiture Act regulates and fixes the parties' rights through a statutory scheme, a "court simply "cannot devise a remedy which is inconsistent with existing legislation.""

Commonwealth v. 6969 Forest Ave., 713 A.2d 701, 705 (Pa. Cmwlth. 1998)(citations omitted)

It would be an error for the Court to fashion an "equitable remedy specifically omitted by the legislature." 6969 Forest Ave., supra, 713 A.2d at 706. The Court cannot fashion a remedy under 42 Pa.C.S. § 6802(k) to order the vehicle returned or delivered to her.

Accordingly, the Court enters the following Order.

ORDER

AND NOW, this **19th** day of **May 2016**, it is hereby ORDERED and DIRECTED as follows:

1. By agreement of the parties, the relief requested in the Commonwealth's complaint to forfeit property is GRANTED; the \$100 U.S. CURRENCY and ONE 2007 DODGE RAM 150, VIN# 1D7HU18227S233045 are hereby forfeited to the Commonwealth of Pennsylvania.

2. All claims of right, title or interest of Robert Goff, and any other claimants in the defendant/property are hereby declared to be terminated, revoked and rendered null and void. The \$100.00 U.S. Currency; and One 2007 Dodge Ram 150, VIN# 1D7HU18227S233045 are hereby condemned and forfeited to the Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Sections 6801-6802, *et. seq.*, for use of disposition in accordance with law.

The registration heretofore issued by the Commonwealth of Pennsylvania for said vehicles is/are declared to be terminated and revoked and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General. Funds received from the sale of forfeited property and/or from forfeited cash shall be deposited into an interest-bearing account held by the Office of Attorney General and the interest generated therefrom shall be used in accordance with the Controlled Substances Forfeitures Act, 42 Pa. C.S.A. § 6801, *et. seq.*

3. Sharon Pringle's claim for the Court to Order that the 2007 Dodge Ram 150, VIN# 1D7HU18227S233045 be returned to her pursuant to 42 Pa.C.S. § 6802(k) is DENIED.
4. The Court hereby enters a verdict in favor of the Commonwealth and against Sharon Pringle.

BY THE COURT,

May 19, 2016
Date

Richard A. Gray, J.

cc: Jason A. Lambrino, Esq., Deputy Attorney General
Office of Attorney General, 106 Lowther Street, Lemoyne, PA 17043
Robert A. Hoffa, Esq. (for Mr. Goff and Ms. Pringle)
Robert Goff, Inmate # MK1449, SCI- Rockview, Rockview Pl, Bellefonte, PA 16823