

WILLIAM DONALD SCHAEFER, Governor

(iii) New or affirmative matter alleged in the answer shall be deemed denied or avoided by the petitioner without the need of any replication, unless the court shall order otherwise.

(6) (i) When all of the registered owners or secured parties or both have answered or are in default, the case shall be assigned for trial.

(ii) The court shall set the case for trial not less than 30 nor more than 60 days thereafter.

(III) IF A PARTY FAILS TO FILE A TIMELY ANSWER TO THE PETITION, THE COURT MAY ORDER FORFEITURE OF THE PROPERTY INTEREST OF THAT PARTY IN THE VEHICLE WITHOUT A HEARING.

(j) (1) If, after a full hearing, the court determines that the motor vehicle should not be forfeited, the court shall order that the motor vehicle be released.

(2) (i) If the court determines that the motor vehicle should be forfeited, the court shall order that the motor vehicle be forfeited to the State.

(ii) If, however, the court determines that the forfeited motor vehicle is subject to a bona fide recorded security interest created without the knowledge that the motor vehicle was being, or was to be used in violation of this subtitle, the court shall order that the motor vehicle be released within 5 days to the FIRST PRIORITY secured party of record.

(iii) The secured party shall sell the motor vehicle in a commercially reasonable manner.

(iv) The proceeds of the sale shall be applied as follows:

1. To the court costs of the forfeiture proceeding;

2. To the balance due the secured party including all reasonable costs incident to the sale;

3. To payment of all other expenses of the proceedings for forfeiture, including expenses of seizure, or maintenance of custody; and

4. To the general funds of the State or the political subdivision that seized the motor vehicle.