

ounces of coke over under my seat and the police find it, say I...the bank owns that van, after they confiscate the cocaine then who owns...then who has the first lien on the van? The bank, or the police, or...

SENATOR CONWAY: The first situation would be you would have to determine who was the owner of the drug.

SENATOR MORRISSEY: Say they determined it was mine, since it's under my seat.

SENATOR CONWAY: At that point, you would have a lien on all of your assets, and that lien would be...let's assume that would be the case, I think it would probably be very difficult to prove, but we'll assume that. At that point you, as the owner of the van, would have a priority lien placed upon that van.

SENATOR MORRISSEY: So the bank would become second.

SENATOR CONWAY: Correct.

SENATOR MORRISSEY: Same with my house. If my long-lost cousin, Joe, from Oklahoma came up, staying at my house, had a suitcase full of cocaine in the closet which would be worth well more than my house, and he took off, don't see him, for some reason the police come in and discover that cocaine, the same thing happens there, that house then goes to the police as opposed to the bank: who has loaned me the money on that house.

SENATOR CONWAY: If, in fact, you were knowledgeable of that suitcase he left, and the courts deemed you to be the possessor or the owner of that particular suitcase, you would run into the same situation, correct.

SENATOR MORRISSEY: So then it's up to me to prove that it's not my suitcase any way possible, and that I didn't have no knowledge of it, the contents of the suitcase, et cetera.

SENATOR CONWAY: Correct, and I would assume at the same time they would be prosecuting you criminally, and that same argument you would certainly want to raise, that that is certainly not your cocaine, and the criminal proceedings would follow suit then the same way you would style yourself at the civil proceedings.