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HOUSE BILL NO. 164

House Amendments in [] — February 16, 1998

A BILL for the relief of Richard M. Nalwasky.

Patrons—Tata, Drake, Purkey, Wagner and Wardrup

Referred to Committee on Claims

Whereas, Richard M. Nalwasky, purchased a 1994 Toyota Land Cruiser (the vehicle) from Hugh B. Casey for \$37,000; and

Whereas, in order to purchase the vehicle, Mr. Nalwasky secured a loan with terms provided for a \$700 per month note; and

Whereas, at the time of the purchase Hugh B. Casey was an employee of Peninsula Motor Cars, Inc., t/a Casey Honda/BMW (Casey Honda/BMW); and

Whereas, Hugh B. Casey had purchased the vehicle from an individual named Carlos Reese through an "accommodation sale" arranged through Casey Honda/BMW; and

Whereas, the title history of the vehicle indicates that vehicle was purchased from Mr. Reese by Casey Honda/BMW; and

Whereas, in February 1996, the vehicle was confiscated by the Virginia State police and it was subsequently determined that the vehicle had been stolen from the state of Maryland; and

Whereas, despite the confiscation, Mr. Nalwasky remains liable for the note; and

Whereas, Mr. Nalwasky subsequently was awarded a judgment in the amount of \$38,816 against Hugh B. Casey in the circuit court of Virginia Beach; and

Whereas, Mr. Nalwasky has been unable to recover the judgment and the interest that has accrued on it since the award; and

Whereas Mr. Nalwasky has no other means to obtain relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§1. That there is hereby allocated from the [~~general fund the sum of \$49,569.52~~ Motor Vehicle Transaction Recovery Fund the sum of \$15,000] for the relief of Richard M. Nalwasky. This sum shall be paid by check issued by the State Treasurer on a warrant issued by the Comptroller, upon execution by Richard M. Nalwasky of a release of all claims he may have against the Commonwealth or any of its political subdivisions or their officers, employees, or agents. [In addition, Mr. Nalwasky shall assign to the Motor Vehicle Dealers Board the amount of \$15,000 from the judgment he has obtained against Mr. Casey.]*

ENGROSSED

HB164E