

(ii) Although the violator has not sold or attempted to sell controlled dangerous substances in violation of this subtitle, an amount of such substances or paraphernalia is located which would reasonably indicate that sale is contemplated by the violator; or

(iii) The total circumstances of the case dictate that seizure and forfeiture is justified; these circumstances would include such factors as the following:

1. The possession of controlled dangerous substances;
2. An extensive criminal record of the violator;
3. A previous conviction of the violator for a controlled dangerous substances violation;
4. Corroborated information is developed indicating that the violator is or was recently a seller, or frequently associates with individuals known to be distributors of illegal controlled dangerous substances or paraphernalia;
5. Circumstances of the arrest; or
6. The manner in which the vehicle was being used.

(k) (1) IN ANY PROCEEDING UNDER THIS SECTION, THE COURT MAY DETERMINE IF, BASED ON THE FACTORS PROVIDED IN SUBSECTION (I)(1) OF THIS SECTION, THE SEIZING AGENCY OR FORFEITING AUTHORITY ABUSED ITS DISCRETION OR WAS CLEARLY ERRONEOUS IN MAKING A DETERMINATION, FINDING, OR RECOMMENDATION OF FORFEITURE.

(2) If, after a full hearing, the court determines that the property should not be forfeited, the court shall order that the property be released.

[(2)](3) (i) Except as provided in subparagraph (v) of this paragraph, if the court determines that the property should be forfeited, the court shall order that the property be forfeited to the appropriate governing body.

(ii) If, however, the court determines that the forfeited property is subject to a valid lien created without actual knowledge that the property was being, or was to be, used in violation of this subheading, the court shall order that the property be released within 5 days to the first priority lienholder.

(iii) The lienholder shall sell the property 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 lienholder 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.