

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

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|----------------------------|---|------------------------------------|
| MICHAEL J. BERCUIT |) | |
| and MARSHA R. BERCUIT, |) | |
| |) | |
| Plaintiffs, |) | TC-MD 150320N |
| |) | |
| v. |) | |
| |) | |
| MULTNOMAH COUNTY ASSESSOR, |) | |
| |) | |
| Defendant. |) | FINAL DECISION OF DISMISSAL |

This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered August 19, 2015. The court did not receive a statement of costs and disbursements within 14 days after its Decision of Dismissal was entered. *See* TCR-MD 16 C(1).

This matter is before the court on Plaintiffs’ written request, filed August 6, 2015, to withdraw this appeal.

Following a case management conference on June 30, 2015, Defendant filed a Motion for Discovery seeking permission to obtain a site inspection of the subject property. (Def’s Mot Disc at 1-2.) The parties fully briefed the issue. (*See* Ptf’s Resp Mot Disc; Def’s Ltr, July 27, 2015; Ptf’s Ltr, July 30, 2015.) On July 31, 2015, the court issued an Order Granting Site Inspection (Order), permitting Defendant to inspect the subject property for a limited period of time. (Order at 5.) In response to the court’s Order, Plaintiffs filed a request to withdraw their appeal, stating that “[b]ased on [the court’s] response to [Defendant’s] request for site inspection, [we] see the only way to prevent them coming onto [our] property is to withdraw [our] appeal and accept the [Board of Property Tax Appeals] Real Market Value.” (Ptf’s Ltr at 1, Aug 6,

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2015.) Plaintiffs further requested that the court vacate the Order “as the case is no longer in front of the [c]ourt.” (*Id.*)

As of the date of this Decision of Dismissal, Defendant has not filed a response to Plaintiffs’ request. After considering the matter, the court finds the case should be dismissed. Because the case is dismissed, a site inspection of Plaintiffs’ property is no longer necessary. Now, therefore,

IT IS THE DECISION OF THIS COURT that Plaintiffs’ Complaint is dismissed.

Dated this ____ day of September 2015.

ALLISON R. BOOMER
MAGISTRATE

If you want to appeal this Final Decision of Dismissal, file a complaint in the Regular Division of the Oregon Tax Court, by mailing to: 1163 State Street, Salem, OR 97301-2563; or by hand delivery to: Fourth Floor, 1241 State Street, Salem, OR.

Your complaint must be submitted within 60 days after the date of the Final Decision of Dismissal or this Final Decision of Dismissal cannot be changed. TCR-MD 19 B.

This document was filed and entered on September 8, 2015.