

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax Exemption

THE BROOKSIDE,	)	
	)	
Plaintiff,	)	TC-MD 160306R
	)	
v.	)	
	)	
YAMHILL COUNTY ASSESSOR,	)	
	)	
Defendant.	)	<b>FINAL DECISION OF DISMISSAL<sup>1</sup></b>

This matter came before the court on its own motion to dismiss this case for lack of prosecution.

A trial was scheduled at 9:00 a.m. on March 21, 2017, to consider Plaintiff’s appeal. On November 14, 2016, the court sent notice of the scheduled trial to Plaintiff at the email address Plaintiff provided to the court. The court’s notice was not returned as undeliverable. That notice advised that if Plaintiff did not appear, the court might dismiss the appeal.

On March 9, 2016, Plaintiff’s representative called court staff and stated Plaintiff did not wish to continue the appeal. Court notes indicated that the representative was informed that court rules require written notice to be filed with service on the opposing party. Plaintiff did not file a written request to dismiss the case and Plaintiff failed to appear for the scheduled trial. Under such circumstances, the court finds the appeal must be dismissed for lack of prosecution. Now, therefore,

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<sup>1</sup> This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered March 27, 2017. The court did not receive a statement of costs and disbursements within 14 days after its Decision of Dismissal was entered. *See* Tax Court Rule–Magistrate Division (TCR–MD) 16 C(1).

IT IS THE DECISION OF THIS COURT that Plaintiff's appeal is dismissed.

Dated this \_\_\_\_ day of April 2017.

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RICHARD DAVIS  
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 April 14, 2017.***