

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

VICTOR WALLENKAMPF)	
and NEWBERG PLACE, LLC,)	
)	
Plaintiffs,)	TC-MD 160349N
)	
v.)	
)	
DESCHUTES COUNTY ASSESSOR,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL¹

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

A case management conference was scheduled for 10:30 a.m. on December 19, 2016, to consider Plaintiffs' appeal. On December 2, 2016, the court sent Plaintiffs notice of the scheduled case management conference to the e-mail address Plaintiffs provided to the court. The court's notice was not returned as undeliverable. That notice advised that if Plaintiffs did not appear, the court might dismiss their appeal.

Plaintiffs failed to appear for the scheduled case management conference. On December 20, 2016, the court sent Plaintiffs a letter that explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The court's letter advised that if Plaintiffs did not provide a written explanation by January 3, 2017, for their failure to appear, the court would dismiss the appeal. As of this date, the court has not received a written response from Plaintiffs explaining their failure to appear or any further communication from Plaintiffs.

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¹ This Final Decision of Dismissal incorporates without change the court's Decision of Dismissal, entered January 6, 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).

Under the circumstances, the court finds the appeal must be dismissed for lack of prosecution.

Now, therefore,

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

Dated this ____ day of January 2017.

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 January 24, 2017.