

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

VICTORIA T. HABAS	)	
and BRYAN D. HABAS,	)	
	)	
Plaintiffs,	)	TC-MD 160041R
	)	
v.	)	
	)	
MULTNOMAH COUNTY ASSESSOR,	)	
	)	
	)	
Defendant.	)	<b>FINAL DECISION OF DISMISSAL</b>

This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered April 1, 2016. The court did receive Plaintiffs’ renewed request for its filing fee on March 12, 2016, however, the court cannot consider that request because it was not accompanied by “a certificate of service or other evidence [it was] provided to all parties” as required by Tax Court Rule – Magistrate Division (TCR-MD) 5.

This matter came before the court on Plaintiffs’ written request, filed March 30, 2016, stating that they no longer wish to pursue this appeal and asking the court to refund their filing fee. After considering Plaintiffs’ request, the court finds the case should be dismissed.

With regard to Plaintiffs’ request for their filing fee, Tax Court Rule – Magistrate Division (TCR-MD) 16 B provides that “[i]n any action, costs and disbursements may be allowed to the prevailing party \* \* \*.” TCR-MD C(1) describes the procedure for seeking costs,

“[a] party seeking costs and disbursements must, not later than 14 days after the entry of a decision or 10 days after the date of service of a plaintiff’s motion to dismiss or withdraw, file with the court and provide a copy to all other parties, a signed and detailed statement of costs and disbursements. With the exception of the filing fee, proof of claimed costs and disbursements must be attached to the statement.”

The court finds that that because Plaintiffs have withdrawn their appeal they are not the

prevailing party is required by TCR-MD B. Plaintiffs request for their filing fee is denied. Now, therefore,

IT IS ADJUDGED that Plaintiffs' appeal is dismissed.

IT IS FURTHER ADJUDGED that Plaintiffs' request for their filing fee is denied.

Dated this \_\_\_\_ day of April 2016.

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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 19, 2016.***