

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

JHON W. FLORY,)	
)	
Plaintiff,)	TC-MD 160117R
)	
v.)	
)	
BENTON 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 trial was scheduled for 9:00 a.m. on July 21, 2016, to consider Plaintiff’s appeal. On May 10, 2016, the court sent notice of the scheduled trial to Plaintiff at the 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 July 5, 2016, the court received a copy of a jury summons from Plaintiffs with a note attached stating: “Need a new court date. Have been summons for jury duty.” The summons and note did not indicate whether Plaintiff had copied the documents to Defendant. The court was unable to contact Plaintiff by phone because he did not provide his phone number to the court. On July 5, 2016, the court sent a reply to Plaintiff stating:

“Your request for a new trial date is not properly before the court because you did not show that you served a copy of your request on the representative for Benton County Assessor. The court cannot consider your motion without proper service on Defendant. The trial date of July 21, 2016, and the exhibit exchange dates remain on the court’s calendar.”

Plaintiff did not communicate with the court after July 5, 2016, and he failed to appear for the

¹ This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered July 22, 2016. 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).

scheduled trial. Under such circumstances, the court finds the appeal must be dismissed for lack of prosecution. Now, therefore,

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

Dated this ____ day of August 2016.

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 August 12, 2016.