

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

ANKENY BUILDING LLC, )  
)  
Plaintiff, ) TC-MD 170289N  
)  
v. )  
)  
MULTNOMAH COUNTY ASSESSOR, )  
)  
Defendant. ) **FINAL DECISION OF DISMISSAL**<sup>1</sup>

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

A case management conference was scheduled at 10:30 a.m. on October 24, 2017, to consider Plaintiff's appeal. On October 9, 2017, the court sent notice of the scheduled case management conference to Plaintiff's representative at the email address he provided to the court. That notice advised that if Plaintiff, through its representative, did not appear, the court might dismiss the appeal.

Plaintiff's representative failed to appear for the scheduled case management conference. On October 25, 2017, the court sent Plaintiff's representative a letter. The court's letter ordered Plaintiff's representative to submit a written explanation by November 8, 2017, for his failure to appear.

The court's records show that Plaintiff's representative called the court twice, on October 24 and 26, 2017, after he failed to appear for the case management conference. Court staff explained to Plaintiff's representative that he had missed the case management conference and

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<sup>1</sup> This Final Decision of Dismissal incorporates without change the court's Decision of Dismissal, entered November 15, 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).

that the court had issued a letter ordering Plaintiff to submit a written explanation for his failure to appear. Court staff emailed the documents in the case file, including the court's letter, to Plaintiff's representative on October 26, 2017.

As of this date, Plaintiff's representative has not submitted a written response to the court's letter explaining his failure to appear. 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 December, 2017.

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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 signed by Magistrate Boomer and entered on December 5, 2017.***