

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

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|--------------------------|---|------------------------------|
| MBZ LLC, CLAMS LLC, |) | |
| and BERNIE ZIEMINSKI, |) | |
| |) | |
| Plaintiffs, |) | TC-MD 111113D |
| |) | |
| v. |) | |
| |) | |
| JACKSON COUNTY ASSESSOR, |) | |
| |) | |
| Defendant. |) | DECISION OF DISMISSAL |

This matter is 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 May 1, 2012, to consider Plaintiffs' appeal. On February 27, 2012, the court sent notice of the scheduled trial to Plaintiffs via email, using the email address Plaintiffs provided to the court. The notice was not returned as undeliverable. The notice advised that if Plaintiffs did not appear, the court might dismiss the appeal.

The parties agreed to the trial date at the case management conference held February 27, 2012. Bernie Zieminski appeared on behalf of Plaintiffs. Lorrie Williams appeared on behalf of Defendant.

Plaintiffs failed to appear for the scheduled trial. Defendant appeared. Under such circumstances, the court finds the appeal must be dismissed for lack of prosecution. Now, therefore,

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IT IS THE DECISION OF THIS COURT that the Complaint is dismissed.

Dated this ____ day of May 2012.

JILL A. TANNER
PRESIDING MAGISTRATE

If you want to appeal this Decision, 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 Decision or this Decision becomes final and cannot be changed.

This document was signed by Presiding Magistrate Jill A. Tanner on May 2, 2012. The Court filed and entered this document on May 2, 2012.