

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

DONALD R. UTZINGER and	)	
KATHLEEN TILLMAN,	)	
	)	
Plaintiffs,	)	TC-MD 120126C
	)	
v.	)	
	)	
DESCHUTES COUNTY ASSESSOR,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

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

A trial was scheduled at 9:30 a.m. on September 5, 2012, to consider Plaintiffs’ appeal. On August 1, 2012, the court sent notice of the scheduled trial to Plaintiffs at the 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.

On August 31, 2012, Donald Utzinger (Utzinger) called the court and spoke with a member of the court operations team and reported that Plaintiffs were considering withdrawing their appeal. The member of the court operations team stated that any requests to withdraw or reschedule must conform to Tax Court-Magistrate Division Rule (TCR-MD) 2. On September 4, 2012, Utzinger filed a letter with the court stating that “[d]ue to circumstances beyond my control I will be unable to attend the trial set for September 5, 2012,” and no reset was requested. Plaintiffs failed to comply with TCR-MD 2. 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 September 2012.

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DAN ROBINSON  
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 Decision of Dismissal was signed by Magistrate Dan Robinson on September 5, 2012. The Court filed and entered this Decision of Dismissal on September 5, 2012.***