

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

JAY BEHNKE)
)
 Plaintiff,) TC-MD 120131C
)
 v.)
)
 CLACKAMAS COUNTY ASSESSOR,)
)
)
 Defendant) **DECISION OF DISMISSAL**

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

On May 9, 2012, the court sent notice of the scheduled trial to Plaintiff at the address Plaintiff provided to the court. The notice was not returned as undeliverable. The notice instructed Plaintiff to postmark all exhibits no later than 14 days prior to the trial date, and no later than 10 days prior to the trial date if hand delivered. The notice also advised that failure to comply with the deadlines set forth therein might result in dismissal of Plaintiff's appeal. The court has no record of receiving any exhibits from Plaintiff. Defendant's exhibit was received by the court on July 3, 2012.

A trial was held at 9:30 a.m. on July 17, 2012, in the Oregon Tax Court, Salem, Oregon to consider Plaintiff's appeal, Presiding Magistrate Jill A. Tanner, presiding. Plaintiff confirmed that he did not exchange any exhibits with Defendant or the court. He stated that he brought information to offer as evidence. Plaintiff acknowledged receipt of Defendant's exhibit. Defendant objected to Plaintiff offering exhibits at trial, stating that Plaintiff failed to comply with the court's rules.

The parties and the court briefly discussed Plaintiff's appeal and the court's rules. Plaintiff stated that he was not a real estate agent, real estate broker or a licensed appraiser. Because Plaintiff stated he was not an expert in appraising real property and he failed to exchange exhibits in accordance with the court's rules, the court concludes that Plaintiff's appeal is dismissed for lack of prosecution. Now, therefore,

IT IS THE DECISION OF THIS COURT that this matter is dismissed.

Dated this ____ day of July 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 July 17, 2012. The Court filed and entered this document on July 17, 2012.