

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

ROBERT F. BURY, )  
 )  
 Plaintiff, ) TC-MD 120182N  
 )  
 v. )  
 )  
 DEPARTMENT OF REVENUE, )  
 State of Oregon, )  
 )  
 Defendant. ) **DECISION OF DISMISSAL**

This matter is before the court on its own motion to dismiss for lack of prosecution. Defendant filed a Motion to Dismiss on June 5, 2012, requesting dismissal because Plaintiff failed to appeal within the 90 days required by ORS 305.280(2). A case management conference was held in this matter on July 11, 2012, during which the parties discussed Plaintiff's appeal and Defendant's Motion to Dismiss. Plaintiff's authorized representative requested that Plaintiff be allowed time to pay the deficiency in full and continue with his appeal under ORS 305.280(3). On July 13, 2012, the court issued an Order stating:

“Within 30 days of the date of this Order, Plaintiff shall provide the court with proof, if any, of his payment of the deficiency assessed for the 2007 tax year. Plaintiff's failure to provide such proof within 30 days of the date of this Order will result in dismissal of Plaintiff's appeal.”

As of the date of this Order, the court has not received proof that Plaintiff paid the deficiency assessed for the 2007 tax year, or any other communication from Plaintiff. Under such circumstances, Plaintiff's appeal must be dismissed for lack of prosecution. Now, therefore,

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

Dated this \_\_\_\_ day of August 2012.

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ALLISON R. BOOMER  
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 Magistrate Allison R. Boomer on August 23, 2012. The Court filed and entered this document on August 23, 2012.***