

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

10K LLC,)	
)	
Plaintiff,)	TC-MD 120687N
)	
v.)	
)	
MULTNOMAH COUNTY ASSESSOR,)	
)	
Defendant.)	DECISION OF DISMISSAL

This matter is before the court on Defendant’s Motion to Dismiss (Motion) Plaintiff’s appeal for lack of prosecution.

Plaintiff appealed Defendant’s denial of property tax exemption for the 2008-09 through 2011-12 tax years. A case management conference was held in this matter on August 22, 2012, during which the parties agreed that Plaintiff would provide copies of leases for the 2008-09 through 2011-12 tax years and file written arguments by September 12, 2012. Defendant agreed to file its written response by October 3, 2012, and Plaintiff agreed to file its written reply by October 10, 2012. On August 23, 2012, the court issued a Journal Entry memorializing the parties’ agreed-upon dates. The Journal Entry warned that failure to comply with the deadlines set forth therein might result in dismissal of Plaintiff’s appeal.

In its Motion, Defendant stated that, as of September 28, 2012, “Defendant [had] not received either the copies of leases or written arguments from the Plaintiff.” As of the date of this decision, the court has not received copies of Plaintiff’s leases for the 2008-09 through 2011-12 tax year, Plaintiff’s written arguments, or any further communication from Plaintiff. Under such circumstances, the court finds that Defendant’s Motion should be granted and this matter should be dismissed for lack of prosecution. Now, therefore,

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

Dated this ____ day of October 2012.

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 October 15, 2012. The Court filed and entered this document on October 15, 2012.