

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

RIVERS EDGE INVESTMENTS, LLC,	)	
an Oregon limited liability company,	)	
	)	
Plaintiff,	)	TC-MD 010398E
	)	
v.	)	
	)	
DESCHUTES COUNTY ASSESSOR,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

This matter is before the court on its own motion to dismiss the above-entitled appeal for lack of prosecution.

On September 8, 2005, the court sent Plaintiff a letter requesting that Plaintiff provide the court with a written status report on the case. The court requested the written update after observing that the case had been in abeyance for over three years and noting that Plaintiff had failed to respond to the court’s telephone inquiry of August 30, 2005. The letter stated:

“On March 29, 2002, this court issued an order placing the above-referenced case in abeyance pending the Department of Revenue’s adoption of an administrative rule for ORS 308.158. It has been over three years since the court placed the case in abeyance. On August 30, 2005, court staff telephoned you and left a message inquiring about the status of the appeal. As of this date, you have not returned the court’s call.

“Because the subject appeal has been in abeyance for such a long period of time, the court finds it prudent to request a status report in the matter. Please notify the court in writing by September 22, 2005, of the status of this case. If the case needs to remain in abeyance, you must notify the court accordingly. **If you do not respond to the court's request by September 22, 2005, your case will be dismissed for lack of prosecution.**”

(Court’s Ltr, Sept 8, 2005) (emphasis in original).

The court clearly cautioned Plaintiff that if it did not respond to the court’s inquiries by September 22, 2005, the case would be dismissed. As of this date, the court has received no

communication from Plaintiff. As a consequence, the court finds the case should be dismissed for lack of prosecution. Now, therefore,

IT IS THE DECISION OF THE COURT that the above-entitled matter be dismissed.

Dated this \_\_\_\_\_ day of October 2005.

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COYREEN R. WEIDNER  
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 Coyreen R. Weidner October 13, 2005. The Court filed and entered this document October 13, 2005.***