

IN THE MAGISTRATE DIVISION
OF THE OREGON TAX COURT
Small Claims
Income Tax

REBECCA D. ELLIOTT,)	
)	
Plaintiff,)	No. 010946C
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
STATE OF OREGON,)	
)	
Defendant.)	DECISION AND JUDGMENT OF DISMISSAL

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

A case management conference was scheduled on October 11, 2001, to consider Plaintiff's appeal. On August 14, 2001, notice of the case management conference was sent to Plaintiff at 1905 Maple Avenue, NE, Salem, Oregon, 97303, which was the address Plaintiff provided to the court. The notice was not returned as undeliverable. Plaintiff did not appear at the case management conference, and there was no explanation for Plaintiff's failure to appear.

On October 11, 2001, the court sent Plaintiff a letter, which explained the importance of diligently pursuing an appeal. This letter was not returned as undeliverable. The letter advised that if Plaintiff did not provide a written explanation by November 9, 2001, for her failure to appear, the court would dismiss the appeal. As of this date, Plaintiff has not contacted the court. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

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IT IS HEREBY ADJUDGED AND DECREED that the Complaint is dismissed.

Dated this ____ day of November, 2001.

DAN ROBINSON
MAGISTRATE

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE DAN ROBINSON ON
NOVEMBER 28, 2001. THE COURT FILED THIS DOCUMENT ON NOVEMBER 28,
2001.**