

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

ALBERT R. KIMBLEY, JR. and KAREN L. KIMBLEY)	
)	
Plaintiffs,)	No. 020086D
)	
v.)	
)	
MULTNOMAH COUNTY ASSESSOR,)	
)	
Defendant.)	DECISION OF DISMISSAL

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

Two case management conferences were scheduled to consider Plaintiffs' appeal. In addition, Mr. Barron Hartwell, Real Property Supervisor, Multnomah County Assessment and Taxation, wrote to Plaintiffs on July 18, 2002, providing information in response to issues raised by Plaintiffs.

On August 20, 2002, the court sent Plaintiffs a letter, which requested Plaintiffs to inform the court how they planned to proceed with their appeal. This letter was not returned as undeliverable. The letter stated that if Plaintiffs did not provide a written explanation by September 5, 2002, advising the court if they planned to continue their appeal, the court would dismiss their appeal. As of this date, Plaintiffs have not submitted a written explanation.

On August 29, 2002, Mr. Kimbley called the court and spoke to Ms. Marilyn Graffenberger, Tax Court Support Operations Staff. In response to Mr. Kimbley's questions, Ms. Graffenberger stated that the court cannot give legal advice; she referred him to the lawyer referral service provided by the Oregon State Bar. When Plaintiffs failed to respond to the court's letter as requested, Ms. Graffenberger called

Plaintiffs on September 6, 2002. Later that day, Mr. Kimbley returned her telephone call, stating that he had not taken the time to get legal advice and was going to "drop the case." Ms. Graffenberger asked him to submit his request to "drop the case" in writing. As of this date, the court has not received anything in writing from Plaintiffs. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

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

Dated this _____ day of September, 2002.

JILL A. TANNER
PRESIDING MAGISTRATE

IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, FOURTH FLOOR, 1241 STATE ST., SALEM, OR 97301-2563. 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 JILL A. TANNER ON SEPTEMBER 24, 2002. THE COURT FILED THIS DOCUMENT ON SEPTEMBER 24, 2002.