

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

CHARLEY R. JONES)	
and LINDA M. JONES,)	
)	
Plaintiffs,)	TC-MD 021231A
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
STATE OF OREGON,)	
)	
Defendant.)	DECISION 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 for February 5, 2004, at 9:00 a.m. to consider Plaintiffs' appeal. On December 8, 2003, notice of the case management conference was sent to Plaintiffs at PO Box 908, Mt. Angel, Oregon 97362, which was the address Plaintiffs provided to the court. The notice was not returned as undeliverable. Plaintiffs did not appear at the case management conference, and there was no explanation for Plaintiffs' failure to appear.

On March 19, 2004, the court sent Plaintiffs a Journal Entry, which explained the importance of diligently pursuing an appeal. That Journal Entry was not returned as undeliverable. The Journal Entry advised that if Plaintiffs did not provide a plan for taking their appeal to resolution accompanied with data supporting the income asserted on the returns by April 15, 2004, the court would dismiss the appeal. As of this date,

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Plaintiffs have not contacted the court. 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 be dismissed.

Dated this ____ day of April 2004.

SCOT A. SIDERAS
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 SIDERAS APRIL 27, 2004. THE COURT FILED THIS DOCUMENT APRIL 27, 2004.