

TIN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

HARRY LACHANCE,)
)
 Plaintiff,) TC-MD 030838D
)
 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.

During the case management conference held on October 2, 2003, Plaintiff agreed to submit his Motion for Summary Judgment (Motion) no later than October 23, 2003. When Plaintiff failed to submit his Motion, the court wrote to Plaintiff. In its letter, dated November 3, 2003, the court advised Plaintiff that if he failed to submit his Motion by November 17, 2003, the court would dismiss his appeal. This letter was not returned as undeliverable. As of this date, Plaintiff has not contacted the court nor submitted his motion. 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 November, 2003.

JILL A. TANNER
PRESIDING 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 JILL A. TANNER ON NOVEMBER 21, 2003. THE COURT FILED THIS DOCUMENT ON NOVEMBER 21, 2003.