

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

SUPERIOR ASPHALT AND SEALING CO.,)	
)	
Plaintiff,)	TC-MD 030922E
)	
v.)	
)	
WASHINGTON COUNTY ASSESSOR,)	
)	
Defendant.)	DECISION OF DISMISSAL

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

A case management conference was scheduled for Wednesday, October 29, 2003, at 10:00 a.m. to consider Plaintiff's appeal. Plaintiff did not appear at the case management conference and there was no explanation for Plaintiff's failure to appear.

On October 29, 2003, the court sent Plaintiff a letter, which explained the importance of diligently pursuing an appeal. The letter advised that if Plaintiff did not provide a written explanation for its failure to appear for the case management conference by November 12, 2003, the court would dismiss the appeal for lack of prosecution. On November 20, 2003, the court received a telephone call from Karla Schukart, who apparently works for Plaintiff. She indicated Plaintiff had just received the court's letter and that she would fax a response to the court immediately. As of this date, the court has received no faxed or mailed written response from Plaintiff. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

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

Dated this _____ day of November, 2003.

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 ON NOVEMBER 26, 2003. THE COURT FILED THIS DOCUMENT ON NOVEMBER 26, 2003.