

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

SCOTT J MCKINNEY,)
)
 Plaintiff,) TC-MD 040116D
)
 v.)
)
 YAMHILL COUNTY ASSESSOR,)
)
 Defendant.) **DECISION OF DISMISSAL**

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

On May 13, 2004, a telephonic case management conference was held to consider Plaintiff's appeal. At that time, Plaintiff stated that he would notify the court if he wanted to continue to trial or, in the alternative, withdraw his appeal. Subsequent telephone calls were made by Colleen Barnhart (Barnhart), of the court's staff, to Plaintiff regarding his appeal. On June 15, 2004, during one of those telephone calls, Plaintiff stated to Barnhart that he would send the court a motion to dismiss, as he was going to sell the property. The court did not receive a motion to dismiss from Plaintiff. Because Plaintiff failed to file a motion to dismiss, the court scheduled another case management conference for July 28, 2004. In a letter dated July 6, 2004, Plaintiff advised the court "that I hereby **withdraw** my request for a Hearing Case Management * * * scheduled to take place * * * 7/28/04 at 10:30 a.m." (Emphasis in original.) Under such

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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 August 2004.

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 AUGUST 4, 2004. THE COURT FILED THIS DOCUMENT AUGUST 4, 2004.