

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

ERIK CHABALA,)
)
 Plaintiff,) TC-MD 040515F
)
 v.)
)
 MULTNOMAH COUNTY ASSESSOR,)
)
 Defendant.) **DECISION OF DISMISSAL**

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

On October 26, 2004, the court sent Plaintiff a letter advising him he had until November 8, 2004, to notify the court whether he intended to pursue his appeal in this court. The letter cautioned Plaintiff that if he did not respond to the court's letter by that date, the appeal would be dismissed. The letter stated, in pertinent part:

“On August 30, 2004, the court held a case management conference in the above-referenced matter. * * * Ms. Chabala agreed during the telephone conference to notify the court within 30 days of whether you, as Plaintiff[], wanted to withdraw the appeal or proceed to trial.

“On October 8, 2004, having received no communication from you, an employee of the court telephoned you to inquire about your decision. She left a message reminding you to submit your decision in writing. Having received no response, the court telephoned you again on October 21, 2004, and asked you to return the court's telephone call. As of this date, the court has not received a response to its messages. Given the status of the appeal, the court finds that, in order for you to proceed with the appeal, you must notify the court by November 8, 2004, of your intention to pursue the subject appeal. **If the court does not receive a written communication from you by November 8, 2004, it will dismiss the appeal for lack of prosecution.**”

(Court's Letter Oct 26, 2004 (emphasis in original).)

On November 1, 2004, Plaintiff's mother, Nita Chabala, called and indicated Plaintiff wished to withdraw the appeal. As of this date, the court has received no written communication from Plaintiff. Given the state of events, the court finds it appropriate to dismiss the appeal for
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lack of prosecution. Now, therefore,

IT IS THE DECISION OF THIS COURT that the above-entitled matter be dismissed.

Dated this _____ day of November 2004.

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 NOVEMBER 30, 2004. THE COURT FILED THIS DOCUMENT NOVEMBER 30, 2004.