

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

TERESA LINCH,	)	
	)	
Plaintiff,	)	TC-MD 040843C
	)	
v.	)	
	)	
CURRY COUNTY ASSESSOR,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

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

A case management conference was scheduled on September 21, 2004, to consider Plaintiff's appeal. On July 2, 2004, notice of the case management conference was sent to Plaintiff at 4830 Pondersosa Drive, Carson City, NV 89701.<sup>1</sup> The notice was not returned as undeliverable. Plaintiff was not available for the telephonic case management conference; instead, her husband answered the phone and indicated that Plaintiff was out of town and he wished to act on Plaintiff's behalf. Because he was not a named party to the appeal, the court did not allow the case management conference to proceed.

On September 21, 2004, the court sent Plaintiff a letter, which explained the importance of diligently pursuing an appeal and enclosed a form for an amended complaint if the Plaintiff wanted to add her husband as a party.<sup>2</sup> This letter was not returned as undeliverable. The letter advised that if Plaintiff did not provide a written explanation by October 15, 2004, for her failure to appear, the court would dismiss the appeal. As of this date, Plaintiff has not contacted the

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<sup>1</sup> The Notice contained a typographical error in the street name, which is Ponderosa Drive.

<sup>2</sup> The September 21, 2004, letter was sent to the correct address.

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 is dismissed.

Dated this \_\_\_\_\_ day of November 2004.

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DAN ROBINSON  
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 DAN ROBINSON NOVEMBER 8, 2004. THE COURT FILED AND ENTERED THIS DOCUMENT NOVEMBER 8, 2004.**