

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Property Tax

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|----------------------------|---|------------------------------|
| RAYMOND K. BETZ |) | |
| and MARION L. BETZ, |) | |
| |) | |
| Plaintiffs, |) | TC-MD 040869D |
| |) | |
| v. |) | |
| |) | |
| MULTNOMAH COUNTY ASSESSOR, |) | |
| |) | |
| Defendant. |) | DECISION OF DISMISSAL |

This matter is before the court on Defendant’s Motion to Dismiss, filed February 23, 2005, requesting that the Complaint be dismissed.

On November 17, 2004, the parties participated in a case management conference. During the conference, the parties agreed to meet to discuss settlement. In addition, the parties agreed that if they were unable to resolve the issues, the parties would submit their positions in writing to the court. The court asked the parties to agree on a briefing schedule and submit it in writing to the court.

On December 9, 2004, Defendant informed the court that the parties were unable to reach a settlement at the conference held on the same date. (*See* Def’s letter dated Dec 9, 2004.) Defendant further informed the court that the parties agreed to submit the issue to the court in writing with Plaintiffs’ brief due to the court no later than February 4, 2005.

On February 8, 2005, Defendant wrote to the court stating that as of that date it had “not received an opening brief from Plaintiff nor any communication explaining the delay.” (Def’s letter dated Feb 8, 2004 (*sic*.) Defendant recommended that Plaintiffs be given an additional week to submit their brief. In addition, Defendant wrote that if “the brief is not received by

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February 11, 2005, the County asks that this matter be dismissed.” (*Id.*) On February 23, 2005, Defendant filed its Motion to Dismiss.

As of this date, the court has not received any correspondence from Plaintiffs. Further, Plaintiffs have not responded to Defendant’s Motion to Dismiss. Because Plaintiffs have failed to respond to Defendant’s motion, file their written brief, or ask for an extension of time, the court grants Defendant’s request and dismisses Plaintiffs’ appeal. Now, therefore,

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

Dated this _____ day of March 2005.

JILL A. TANNER
PRESIDING MAGISTRATE

THIS DOCUMENT WAS SIGNED BY PRESIDING MAGISTRATE JILL A. TANNER ON MARCH 8, 2005 . THE COURT FILED THIS DOCUMENT ON MARCH 8, 2005.

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.