

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Property Tax

MARY HANEY, ROBERT HANEY,	)	
RICHARD HANEY, and IRENE HANEY	)	
BAKER,	)	
	)	
Plaintiffs,	)	TC-MD 040933E
	)	
v.	)	
	)	
WASHINGTON COUNTY ASSESSOR,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

This matter is before the court on its own motion to dismiss the above-entitled appeal for lack of prosecution. On March 24, 2005, the court mailed Plaintiffs a letter requiring them to notify the court by April 5, 2005, whether they intended to continue with their appeal. The letter stated, in pertinent part:

“On November 16, 2004, the court held a case management conference in the above-entitled matter. During that conference, the court informed you that, based on the facts of the appeal, it was unable to grant relief for the earlier tax years appealed. As a result, you and the county assessor’s office agreed to seek relief in the form of a stipulated agreement with the Department of Revenue. The court requested that you notify it after your appeal to the Department of Revenue had been resolved.

“On February 3, 2005, the court contacted you to inquire about the status of your Department of Revenue appeal. You advised court staff that you had received relief at the agency level. The court requested that you submit something in writing so that your case in the court could be concluded. On March 1, 2005, having received no written communication from you, the court left a telephone message reminding you that you needed to file a written request to dismiss your appeal.

“As of this date, the court has yet to receive a written communication from you. Consequently, the court is granting you until April 5, 2005, to notify the court whether you intend to pursue your appeal in this court. **If the court does not receive a written communication from you by April 5, 2005, it will dismiss your appeal for lack of prosecution.**”

(Court’s Ltr, March 24, 2005) (emphasis in original).

As of this date, the court has received no written response to its letter. As a result, the court finds the case should be dismissed for lack of prosecution. Now, therefore,

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

Dated this \_\_\_\_\_ day of April 2005.

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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 April 21, 2005. The Court filed this Document April 21, 2005.***