

IN THE MAGISTRATE DIVISION
OF THE OREGON TAX COURT

Income Tax

DAVID ALLEN POTTER,)	
)	
Plaintiff,)	No. 991285E
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
STATE OF OREGON,)	
)	
Defendant.)	DECISION OF DISMISSAL

This matter is before the court on its own motion to dismiss the above-entitled appeal for lack of prosecution by plaintiff. On July 14, 2000, the court sent plaintiff's representative a detailed letter setting forth the history of the case and outlining several occasions where the representative failed to respond to a request from the court.

The letter concluded:

"The status of this case is cloudy at best. Please notify the court in writing by July 28, 2000, as to what has been occurring on this case in the past two months. Further, please advise the court how you intend to proceed with this appeal. **If the court does not receive this written information by July 28, 2000, it will dismiss this case for lack of prosecution.**" (Court's Letter 7/14/00).

The deadline set by the court has passed without the court receiving any correspondence from plaintiff's representative. Given the state of this appeal, the court finds the appeal should be dismissed for lack of prosecution. Now, therefore;

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

Dated this _____ day of August, 2000.

COYREEN R. WEIDNER
MAGISTRATE

IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, FOURTH FLOOR, 1241 STATE ST., SALEM, OR 97310. 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 ON AUGUST 10, 2000. THE COURT FILED THIS DOCUMENT ON AUGUST 10, 2000.