



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development Measure 49 Development Services Division

635 Capitol Street, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

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<http://www.oregon.gov/LCD/MEASURE49>

April 21, 2009



James and Carol Erwin
29790 SE Shorgorick Road
Estacada, OR 97023

RE: Supplemental Review of M120531

Dear Mr. and Ms. Erwin:

The Department of Land Conservation and Development (the department) received an election form requesting supplemental review of claim M120531 under Measure 49. ORS 195.300 to ORS 195.336 (Measure 49) entitles claimants who filed Measure 37 claims to elect supplemental review of their claims. Our records indicate that you were not a claimant under Measure 37 and your attempt to assert a claim for tax lot 2200 under Measure 49 through the use of the election form for M120531 is not valid.

Your election on M120531 will be closed and the department will take no further action regarding the review of the claim. Please feel free to contact our office at (503) 373-0050 ext. 324, or via e-mail at measure49.info@state.or.us if you have questions.

Sincerely,

Judith Moore
Measure 49 Division Manager



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RE: *State Measure 37/49 Claim M120531 Mason*

Dear Melvin and Valetta Mason:

On March 4, 2008, the Department of Land Conservation and Development (Department) mailed you a Measure 49 Election Packet, which included a Notice and an Election Form. The packet instructions explained that to be eligible for relief under Measure 49, you were required to return the Election Form to the Department within 90 days, electing either the Express (Section 6 of Measure 49) or the Conditional (Section 7 of Measure 49) option. Your 90-day election period ended on June 2, 2008. The Department did not receive a completed Election Form by that date.

Section 8(3) of Measure 49 states that "[i]f the claimant fails to file the form within 90 days after the date the Department mails the notice, the claimant is not entitled to relief under section 6 or 7 of Measure 49." Because you did not file the required Election Form within 90 days, you are no longer eligible for Measure 49 Express or Conditional relief for Measure 37 Claim Number M120531. The Department will not complete any further review of Measure 37 claim M120531; that claim will be closed without any further action.

Please note that the closure of M120531 does not affect any other Measure 37 claim you may have. If you filed multiple claims, whether for the same or for different property, or if you filed a single claim that was divided by the Department of Administrative Services, or the Department, into two or more claim numbers, you should have already received separate Measure 49 Election Packets for each individual claim number. You have 90 days from the date each Election Packet was mailed to file your Election for the Claim identified on each Election Form. For further information about property subject to claims, see our website at www.lcd.state.or.us/LCD/MEASURE49.

This correspondence concerning claim M120531 is an Order from the Department in other than a contested case. Please note that you have the right to petition for agency reconsideration or judicial review of this Final Order under ORS 183.484.

If you believe you have received this letter in error or have any questions, please contact this office at (503) 373-0050 ext. 324, or via e-mail at measure49.info@state.or.us.

Sincerely,

Judith Moore, Manager

Measure 49 Development Services Division