



# 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

Fax: (503) 378-5318

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



January 16, 2009

Kristen S. David  
Bowerman & David, LLP  
PO Box 100  
Oregon City, OR 97045

RE: State Measure 37 Claim M129809 Ivy

Dear Ms. David:

The Department of Land Conservation and Development (the department) has received an election form requesting Supplemental Review of claim M129809 under Measure 49. According to our records, the claimant Alvie Ivy passed away on May 2, 2007, and his heirs are not authorized to pursue the claim under Measure 49.

Requirements for Supplemental Review under such circumstances are stated in section 11(9) of Measure 49 and the Extension Bill, section 2(3) (House Bill 3546 (2007)). If the claimant filed the Measure 37 claim before November 1, 2006, and the claimant died before December 6, 2007, no relief is available for the claimant's heirs under Measure 49. According to our records, Alvie Ivey filed claim M129809 on August 4, 2006. Therefore, the request for Supplemental Review of the claim is denied.

Claim M129809 will be closed and the department will take no further action regarding the review of the claim. 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](mailto:measure49.info@state.or.us).

This correspondence concerning claim M129809 is a Final 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.

Sincerely,

/S/

Cora R. Parker  
Deputy Director

cc: Karen Brist, Personal Representative  
Estate of Alvie Ivy  
2728 Burlington Avenue  
Springfield, OR 97477