



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>



August 19, 2009

Susan McLain
2510 Mills Lane
Forest Grove, OR 97116

RE: State Measure 37 Claim M130147 Betty E. Butcher

Dear Ms. McLain,

The Department of Land Conservation and Development (the department) has received an election form requesting Supplemental Review of claim M130147 under Measure 49. According to our records, the claimant Betty Butcher passed away on June 22, 2007, and her 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 Betty Butcher filed claim M130147 on September 29, 2006. Therefore, the request for Supplemental Review of the claim is denied.

Claim M130147 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.

This correspondence concerning claim M130147 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,

Judith Moore
Measure 49 Division Manager

cc: Merrie Postlewait, 1756 Yaquina Heights Drive, Newport, OR 97365
Ann Sommer, 27300 Dryland Road, Canby, OR 97013