

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition

of

ROBERT M. CLARK & JUDITH A. CLARK

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or  
a Revision of a Determination or a Refund  
of Personal Income  
Taxes under Article(s) of the  
Tax Law for the Year(s) ~~xxxPeriod(s)xx~~  
1976.

State of New York  
County of Albany

John Huhn, being duly sworn, deposes and says that she is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 14th day of February, 1979, she served the within Notice of Short Form Order by ~~certified~~ mail upon Robert M. Clark & Judith A. Clark ~~(representative of)~~ the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Mr. Robert Clark  
Arkport, New York

and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

That deponent further says that the said addressee is the ~~(representative of)~~ ~~(xxx)~~ petitioner herein and that the address set forth on said wrapper is the last known address of the ~~(representative of the)~~ petitioner.

Sworn to before me this  
14th day of February, 1979.

Marilyn J. Papineau

John Huhn

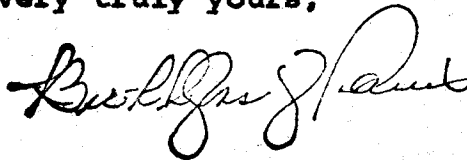
February 14, 1979

Mr. Robert Clark  
Arkport, New York

Dear Mr. Clark:

Please take notice of the SHORT FORM ORDER of the State  
Tax Commission enclosed herewith.

Very truly yours,



Berthlynn J. Davis  
Secretary To The  
State Tax Commission

Enclosures

cc: Taxing Bureau's Representative

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Petition :  
of :  
ROBERT M. CLARK AND JUDITH A. CLARK :  
For a Redetermination of a Deficiency of Personal :  
Income Tax under Article 22 of the Tax Law for the :  
year 1976. :

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SHORT FORM ORDER

Petitioners' Motion for a Default Decision upon the grounds that the Law Bureau failed to file an answer within 60 days as prescribed by Section 601.6(a) of the Rules of Practice is denied since petitioner waited until service of the answer before moving, thereby waiving the 60 day period within which the Law Bureau had to file an answer. Further, no prejudice has resulted by reason of the 20 day delay in service of the answer.

DATED: Albany, New York

February 14, 1979

STATE TAX COMMISSION

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER