

STATE OF NEW YORK  
STATE TAX COMMISSION

In the Matter of the Petition :  
of :  
Circle M Beverage Barn, Inc. :  
for Redetermination of a Deficiency or a Revision :  
of a Determination or a Refund of :  
Sales & Use Tax :  
under Article 28 of the Tax Law :  
for the Period 12/1/73 - 2/28/77. :

AFFIDAVIT OF MAILING

State of New York  
County of Albany

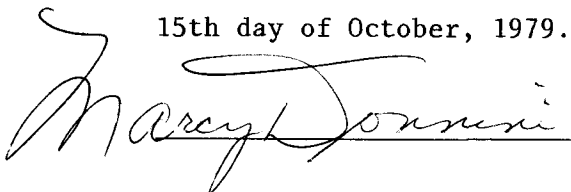
Jay Vredenburg, being duly sworn, deposes and says that he is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 15th day of October, 1979, he served the within notice of by mail upon Circle M Beverage Barn, Inc., the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

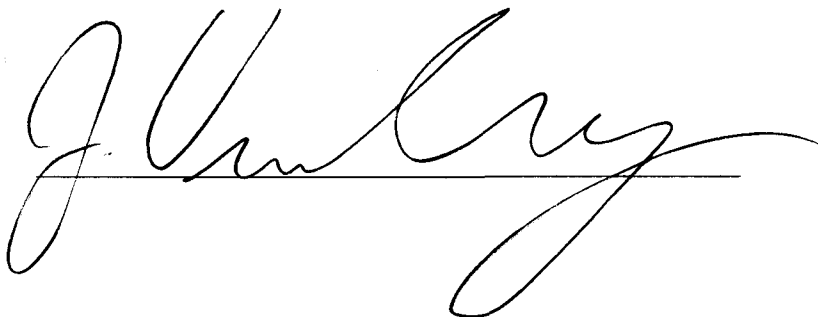
Circle M Beverage Barn, Inc.  
Route 112  
Medford, NY 11763

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 petitioner herein and that the address set forth on said wrapper is the last known address of the petitioner.

Sworn to before me this  
15th day of October, 1979.

  
Marcy Donneri



STATE OF NEW YORK  
STATE TAX COMMISSION  
ALBANY, NEW YORK 12227

PAUL B. COBURN  
SECRETARY

Telephone: (518) 457-6162

October 15, 1979

Circle M Beverage Barn, Inc.  
Route 112  
Medford, NY 11763

Gentlemen:

Please take notice of the Default Order of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to Section(s) 1138 & 1243 of the Tax Law, any proceeding in court to review this decision must be commenced within 4 months from the date of this notice.

Inquiries concerning the computation of tax due or refund allowed in accordance with this decision may be addressed to the undersigned.

Very truly yours,

PAUL B. COBURN  
SECRETARY TO THE  
STATE TAX COMMISSION

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK  
STATE TAX COMMISSION

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In the Matter of the Petition :  
of :  
Circle M Beverage Barn, Inc. :  
: DEFAULT ORDER  
for Revision or for Refund of Sales & Use Tax :  
Taxes under Article(s) 28 of the Tax Law :  
for the Period 12/1/73 - 2/28/77. :

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Petitioner(s) Circle M Beverage Barn, Inc., Route 112, Medford, NY 11763  
filed a petition for revision or for refund of Sales & Use Tax taxes under  
Article(s) 28 of the Tax Law for the Period 12/1/73 - 2/28/77 File No. 20881.

Under Section 601.5 of the State Tax Commission Rules of Practice and  
Procedure, a notice was served on the petitioner(s) to file a perfected  
petition. Notice to file the perfected petition was sent to the petitioner(s)  
last known address. Petitioner(s) failed to file a perfected petition. A  
default has been duly noted.

Now on motion of the Secretary to the State Tax Commission, it is

ORDERED that the petition of Circle M Beverage Barn, Inc. be and the same  
is hereby denied.

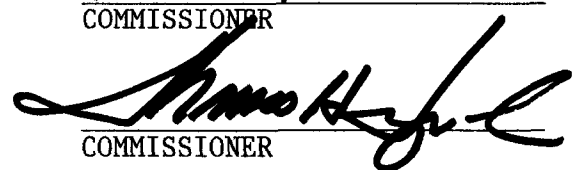
DATED: Albany, New York

OCT 15 1979

STATE TAX COMMISSION

  
PRESIDENT

  
COMMISSIONER

  
COMMISSIONER