

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition :
of :
Diane E. LeRoy :
d/b/a J & M Deli : AFFIDAVIT OF MAILING
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 Years 1974 - 1975. :

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 8th day of August, 1979, he served the within Notice of Default by mail upon Diane E. LeRoy, d/b/a J & M Deli, the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Diane E. LeRoy
d/b/a J & M Deli
243 Rt. 17K
Newburgh, NY 12550

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
8th day of August, 1979.

Victoria Gary

Jay Vredenburg

JAMES H. TULLY JR., PRESIDENT
MILTON KOERNER
THOMAS H. LYNCH

JOHN J. SOLLECITO
DIRECTOR

Telephone: (518) 457-1723

August 8, 1979

Diane E. LeRoy
d/b/a J & M Deli
243 Rt. 17K
Newburgh, NY 12550

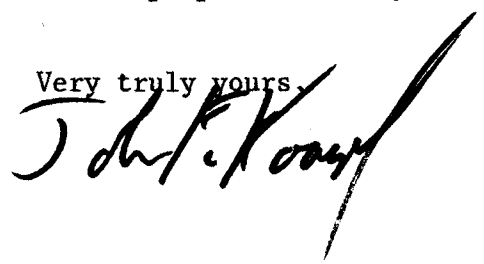
Gentlemen:

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

Please take further notice that pursuant to Section(s) 1138 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 Deputy Commissioner and Counsel to the New York State Department of Taxation and Finance, Albany, New York 12227. Said inquiries will be referred to the proper authority for reply.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sollecito", written over the typed phrase "Very truly yours,".

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
of
DIANE E. LEROY D/B/A J & M DELI
for Revision or for Refund of Sales & Use Taxes
under Article(s) 28 & 29 of the Tax Law for the
~~XXXXXX~~ Period - 9/1/74 - 11/30/75.

DEFAULT ORDER

Petitioner(s) Diane E. LeRoy d/b/a J & M Deli, 243 Route 17K, Newburgh,
New York 12550 filed a petition for revision or for refund of
Sales & Use taxes under Article(s) 28 & 29 of the Tax Law for the
~~XXXXXX~~ Period - 9/1/74 - 11/30/75 . File No.(s) 23879

A Pre-Hearing Conference on the petition was scheduled before
Bruce M. Rauch, at the offices of the State
Tax Commission, Dept. of Taxation and Finance, 99 Church Street, White Plains, NY
on February 27, 1979 at 3:00 P.M. . Notice of said Pre-Hearing
Conference was given to petitioner(s) ~~and petitioner(s) representative~~
. Petitioner(s) ~~and petitioner(s) representative~~ did
not appear at the Pre-Hearing Conference . A default has been duly noted.

Now on motion of the attorney for the Department of Taxation and Finance,
it is

ORDERED that the petition of DIANE E. LEROY D/B/A J & M DELI
be and the same is hereby denied.

DATED: Albany, New York
August 8, 1979

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER