In the Matter of the Petition

of

Pee Wee Supermarket, Inc.

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 - 1977.

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 31st day of August, 1979, he served the within notice of Default by mail upon Pee Wee Supermarket, Inc., the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Pee Wee Supermarket, Inc.

c/o Harold Grubart

New York, NY

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 31st day of August, 1979.

,

- for

Vreder

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

JOHN J. SOLLECITO DIRECTOR

Telephone: (518) 457-1723

August 31, 1979

Pee Wee Supermarket, Inc. c/o Harold Grubart 15 E. 480th St. New York, NY

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 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.

Victoria Lary

cc: Petitioner's Representative

Taxing Bureau's Representative

STATE OF NEW YORK STATE TAX COMMISSION

In the Matter of the Petition

οf

PEE WEE SUPERMARKET, INC.

DEFAULT ORDER

for Revision or for Refund of Sales & Use Taxes

under Article(s) 28 & 29 of the Tax Law for the XXXXXXX PERIOD 9/1/74 - 2/28/77

Petitioner(s) Pee Wee Supermarket, Inc., c/o Harold Grubart, 15 E.

48th Street, New York, NY filed a petition for revision or for refund of 10017

Sales & Use taxes under Article(s) 28&29 of the Tax Law for the

XXXXXPERIOD 9/1/74 - 2/28/77

• File No.(s) 21566

A pre-hearing conference on the petition was scheduled before

Robert A. Healey, Conferee , at the offices of the State

Tax Commission, Department of Taxation and Finance, Bronx District Office, 1375 Jerome Avenue, Bronx, New York on April 24, 1979 at 9:00 A.M. . Notice of said pre-hearing

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 PEE WEE SUPERMARKET, INC. be and the same is hereby denied.

DATED: Albany, New York

Alic 3 1 1979

STATE TAX COMMISSION

COMMISS NER

COMMISSIONER