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IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Claim for Compensation Under ORS 197.352 (Ballot Measure 37)
of Burnadine Bratton, Claimant.

PHILLIP KOLCZYNSKI, KATHLEEN KOLCZYNSKI, CORREY BOL, JANINE BOL,
RICHARD HILTON, GEORGIA HILTON, JAMES HUTCHINS, CARLA HUTCHINS,
CYNTHIA CAMPBELL-KIGER, ESTIN KIGER, STEVE SUAREZ, JULIE MOWATT,
SAM ADAMS, and CHARLYN ADAMS,
Petitioners,

Calendared
& Docketed

v.

8/16

DEPARTMENT OF ADMINISTRATIVE SERVICES and DEPARTMENT OF LAND
CONSERVATION AND DEVELOPMENT,
Respondents.

Department of Administrative Services No. M129746

Court of Appeals No. A135152

ORDER DETERMINING JURISDICTION

Respondents have moved for a determination of whether the court has jurisdiction to review respondents' order disposing of a Measure 37 claim. The motion is granted.

In their order, respondents determined that claimant experienced a diminution of property value due to land use regulations, and waived application of those regulations. The court determines that under *Corey v. DLCD*, 210 Or App 543, 152 P3d 933 (2007), *adhered to on reconsideration*, 212 Or App 536 (2007), the order is an order in a contested case and therefore this court has jurisdiction to review the order. Respondents' motion to dismiss is denied.

The agency record is due 28 days from the date of this order.

JUL 19 2007

DATE

David V. Brewer

DAVID V. BREWER, CHIEF JUDGE

c: Denise G. Fjordbeck
Jannett Wilson

REPLIES SHOULD BE DIRECTED TO THE STATE COURT ADMINISTRATOR, RECORDS SECTION, SUPREME COURT BUILDING, 1163 STATE STREET, SALEM, OR. 97301-2563

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APPELLATE DIVISION
SALEM, OR 97301