STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

PHILLIP B. & KATHLEEN I. LEAVITT

For a Redetermination of a Deficiency or
a Revision of a Determination or a Refund
of Personal Income
Taxes under Article(X) 22   of the
Tax Law for the Year(XXXXXXXXXXXXXXXX) 1972.

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AFFIDAVIT OF MAILING

State of New York
County of Albany

John Huhn   , being duly sworn, deposes and says that

XShe is an employee of the Department of Taxation and Finance, over 18 years of

age, and that on the 11th day of August   , 1978 , She served the within

Notice of Default Order   by (certified) mail upon Phillip B. & Kathleen
                                                                    I. Leavitt

(XXXXXXXXXXXXXXXXXXXXX the petitioner in the within proceeding,

by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed

as follows: Phillip B. & Kathleen I. Leavitt
            5709 North Saguaro
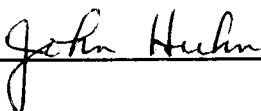   Scottsdale, Arizona 85251

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 X(XXXXXXXXXXXXXXXX

XXXXXX petitioner herein and that the address set forth on said wrapper is the

last known address of the (XXXXXXXXXXXXXXXXXXXXXX) petitioner.

Sworn to before me this

11th day of August   , 19 78   _John Huhn_____

_____Thaler_____

TA-3 (2/76)

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

PHILLIP B. & KATHLEEN I. LEAVITT

For a Redetermination of a Deficiency or
a Revision of a Determination or a Refund
of Personal Income
Taxes under Article(s) 22   of the
Tax Law for the Year(s) ~~xxxxxxxxxx~~1972.

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AFFIDAVIT OF MAILING

State of New York
County of Albany

John Huhn   , being duly sworn, deposes and says that

~~s~~he is an employee of the Department of Taxation and Finance, over 18 years of

age, and that on the 11th day of August   , 1978 , ~~s~~he served the within

Default Order   by (certified) mail upon Joseph Schorr, CPA

          (representative of) the petitioner in the within proceeding,

by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed

as follows: Joseph Schorr, CPA
            180 South Broadway
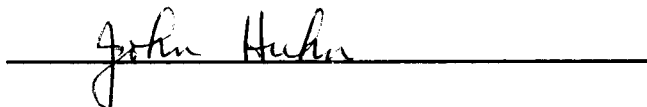   White Plains, New York 10605

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 the) 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

11th day of August   , 1978.   _John Huhn_____

_H.H.Walker_____

TA-3 (2/76)

STATE OF NEW YORK
DEPARTMENT OF
TAXATION AND FINANCE
ALBANY, NEW YORK 12227

BERTHLYNN J. DAVIS

SECRETARY TO THE
STATE TAX COMMISSION

August 11, 1978

Phillip B. & Kathleen I. Leavitt
5709 North Saguaro
Scottsdale, Arizona 85251

Dear Mr. & Mrs. Leavitt:

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

Please take further notice that pursuant to Section(s)
690   of the Tax Law, any proceeding in court to review
an adverse decision must be commenced within four months
from the date of this notice.

Inquiries concerning the computation of tax due or refund
allowed in accordance with this decision or concerning any
other matter relative hereto may be addressed to the
undersigned. They will be referred to the proper party for
reply.

Very truly yours,

BERTHLYNN J. DAVIS
SECRETARY TO THE STATE TAX COMMISSION

Enc.

cc: Petitioner's Representative:
     Joseph Schorr, CPA
     180 South Broadway
     White Plains, New York 10605
     Taxing Bureau's Representative:

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

PHILLIP B. & KATHLEEN I. LEAVITT

for Redetermination of Deficiency or for Refund of

Personal Income Taxes under Article (s) 22   of the

Tax Law for the year 1972.

DEFAULT ORDER

Petitioner(s) Phillip B. & Kathleen I. Leavitt, 5709 North Saguaro

Scottsdale, Arizona 85251   filed a petition for redetermination of

deficiency or for refund of Personal Income   taxes under

Article (s) 22   of the Tax Law for the year 1972.   . File No. 16006   .

Under Section 601.5 of the State Tax Commission Rules of Practice and

Procedure, the ~~taxpayer~~ taxpayer's representative was served notice to file a

perfected petition. The ~~taxpayer~~ taxpayer's representative failed to file a

perfected petition. Notice to file a perfected petition was sent to the ~~taxpayer~~

taxpayer's representative's last known address.

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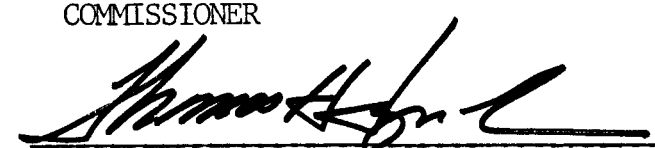
it is

ORDERED that the petition of Phillip B. & Kathleen I. Leavitt

be and the same is hereby denied.

DATED: Albany, New York
        August 11, 1978

STATE TAX COMMISSION

PRESIDENT

COMMISSIONER

COMMISSIONER