

**BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION**

D & D Distributing, Inc,  
c/o Hy-Vee Food Stores,  
Appellant,

v.

Douglas County Board of Equalization,  
Appellee.

Case No: 15C 0437

**ORDER FOR DISMISSAL WITH  
PREJUDICE**

1. Commissioners Robert W. Hotz and Nancy J. Salmon held a hearing in this appeal on June 13, 2017, at the Tax Equalization and Review Commission Hearing Room, Sixth Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.
2. Brian S. Kruse, attorney for the Taxpayer, was present at the hearing.
3. Shakil A. Malik, Deputy Douglas County Attorney, was present for the Douglas County Board of Equalization (the County Board).
4. The Subject Property (Subject Property) is a commercial parcel with a legal description of: D & D Plaza Lot 1 Block 0 Irreg 4.67 AC in Douglas County, Nebraska.

**Background**

5. The Douglas County Assessor assessed the Subject Property at \$2,894,000 for tax year 2015.
6. The Taxpayer protested this value to the Douglas County Board of Equalization (County Board).
7. The County Board determined that the taxable value of the Subject Property was \$2,894,000 for tax year 2015.
8. The Taxpayer appealed the determination of the County Board to the Tax Equalization and Review Commission (the Commission).
9. At the hearing, the Appellant made an oral motion to dismiss the above captioned appeal.

**ORDER**

**IT IS THEREFORE ORDERED THAT:**

1. The above captioned appeal is dismissed with prejudice.
2. This decision, if no appeal is filed, shall be certified within thirty days to the Douglas County Treasurer, and the officer charged with preparing the tax list for Douglas County as follows:

Diane Battiato  
1819 Farnam Stre. Ste H09 Civic Center  
Omaha, NE 68183-1000

John Ewing  
1819 Farnam St., Rm H03  
Omaha, NE 68183

as required by Neb. Rev. Stat. §77-5018 (2016 Cum. Supp.).

3. Each party is to bear its own costs in this matter.
4. This Order shall only be applicable to tax year 2015.
5. This Order is effective on June 16, 2017.

**SIGNED AND SEALED**

**Seal**

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Robert W. Hotz, Commissioner

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Nancy J. Salmon, Commissioner