BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION

THE RANCH AT SIDNEY, LLC APPELLANT, V. CHEYENNE COUNTY BOARD OF EQUALIZATION, APPELLEE.	CASE NOS: 19R 0032-19R 0121, 20R 0021-20R 0110, 21R 0274-21R 0363, 22R 0032-22R 0121 DECISION AND ORDER REVERSING THE DECISIONS OF THE CHEYENNE COUNTY BOARD OF EQUALIZATION

For the Appellant:
Timothy Moll,
Rembolt Ludtke, LLP

For the Appellee:
Paul B. Schaub,
Cheyenne County Attorney

These appeals were heard before Commissioners Hotz and Kuhn. Commissioner Hotz presided.

I. THE SUBJECT PROPERTY

The Subject Properties are 83 developable but vacant residential lots and 7 outlots, ranging in size from 7,032 square feet to 16,286 square feet, located in Sidney, Cheyenne County, Nebraska. The legal descriptions and Property Record Files (PRFs) of the Subject Properties are found at Exhibits 362-455 and 492-585.

II. PROCEDURAL HISTORY

The Cheyenne County Assessor determined the assessed values of the Subject Properties for each relevant tax year. The Ranch at Sidney, LLC (the Taxpayer) protested these assessments to the Cheyenne County Board of Equalization (the County Board). The County Board determined the taxable values of the Subject Properties were as follows[1]:

Case Nos.	Parcel ID No.	2019 BOE Value	2020 BOE Value	2021 BOE Value	2022 BOE Value
19R 0032 20R 0106 21R 0278 22R 0032	170220143	$17,200	$13,338	$15,339	$15,339
19R 0033 20R 0107 21R 0277 22R 0033	170220144	$17,200	$13,338	$15,339	$15,339
19R 0034 20R 0108 21R 0276 22R 0034	170220145	$17,200	$13,338	$15,339	$15,339
19R 0035 20R 0109 21R 0275 22R 0035	170220146	$17,200	$13,338	$15,339	$15,339
19R 0036 20R 0021 21R 0288 22R 0037	170220299	$17,200	$13,338	$15,339	$15,339
19R 0037 20R 0022 21R 0282 22R 0038	170220300	$17,200	$13,338	$15,339	$15,339
19R 0038 20R 0023 21R 0281 22R 0039	170220301	$17,200	$13,338	$15,339	$15,339
19R 0039 20R 0024 21R 0279 22R 0040	170220302	$17,200	$13,338	$15,339	$15,339
19R 0040 20R 0025 21R 0280 22R 0041	170220303	$17,200	$13,338	$15,339	$15,339
19R 0041	170220304	$17,200	$13,338	$15,339	$15,339

[1] See Exhibit 1 through Exhibit 360.

20R 0026 **21R 0285** **22R 0042**					
19R 0042 **20R 0027** **21R 0286** **22R 0043**	170220305	$17,200	$13,338	$15,339	$15,339
19R 0043 **20R 0028** **21R 0284** **22R 0044**	170220306	$17,200	$13,338	$15,339	$15,339
19R 0044 **20R 0029** **21R 0283** **22R 0045**	170220307	$17,200	$13,338	$15,339	$15,339
19R 0045 **20R 0030** **21R 0287** **22R 0046**	170220308	$17,200	$13,338	$15,339	$15,339
19R 0046 **20R 0031** **21R 0311** **22R 0047**	170220309	$17,200	$13,338	$15,339	$15,339
19R 0047 **20R 0032** **21R 0310** **22R 0048**	170220310	$17,200	$13,338	$15,339	$15,339
19R 0048 **20R 0033** **21R 0317** **22R 0049**	170220315	$17,200	$13,338	$15,339	$15,339
19R 0049 **20R 0034** **21R 0316** **22R 0050**	170220316	$17,200	$13,338	$15,339	$15,339
19R 0050 **20R 0035** **21R 0315** **22R 0051**	170220317	$17,200	$13,338	$15,339	$15,339
19R 0051 **20R 0036** **21R 0314** **22R 0052**	170220318	$17,200	$13,338	$15,339	$15,339
19R 0052 **20R 0037** **21R 0313** **22R 0053**	170220319	$17,200	$13,338	$15,339	$15,339
19R 0053 **20R 0038** **21R 0324** **22R 0054**	170220320	$17,200	$13,338	$15,339	$15,339
19R 0054	170220321	$17,200	$13,338	$15,339	$15,339

20R 0039 **21R 0318** **22R 0055**					
19R 0055 **20R 0039** **21R 0319** **22R 0056**	170220322	$17,200	$13,338	$15,339	$15,339
19R 0056 **20R 0041** **21R 0320** **22R 0057**	170220323	$17,200	$13,338	$15,339	$15,339
19R 0057 **20R 0042** **21R 0323** **22R 0058**	170220324	$17,200	$13,338	$15,339	$15,339
19R 0058 **20R 0043** **21R 0322** **22R 0059**	170220325	$17,200	$13,338	$15,339	$15,339
19R 0059 **20R 0044** **21R 0321** **22R 0060**	170220326	$17,200	$13,338	$15,339	$15,339
19R 0060 **20R 0045** **21R 0312** **22R 0061**	170220327	$17,200	$13,338	$15,339	$15,339
19R 0061 **20R 0046** **21R 0338** **22R 0062**	170220328	$17,200	$13,338	$15,339	$15,339
19R 0062 **20R 0047** **21R 0339** **22R 0063**	170220329	$17,200	$13,338	$15,339	$15,339
19R 0063 **20R 0048** **21R 0325** **22R 0064**	170220330	$17,200	$13,338	$15,339	$15,339
19R 0064 **20R 0049** **21R 0326** **22R 0065**	170220331	$17,200	$13,338	$15,339	$15,339
19R 0065 **20R 0050** **21R 0327** **22R 0066**	170220332	$17,200	$13,338	$15,339	$15,339
19R 0066 **20R 0051** **21R 0329** **22R 0067**	170220333	$17,200	$13,338	$15,339	$15,339
19R 0067	170220334	$17,200	$13,338	$15,339	$15,339

20R 0052 **21R 0334** **22R 0068**					
19R 0068 **20R 0053** **21R 0335** **22R 0069**	170220335	$17,200	$13,338	$15,339	$15,339
19R 0069 **20R 0054** **21R 0336** **22R 0070**	170220336	$17,200	$13,338	$15,339	$15,339
19R 0070 **20R 0055** **21R 0328** **22R 0071**	170220337	$17,200	$13,338	$15,339	$15,339
19R 0071 **20R 0056** **21R 0330** **22R 0072**	170220338	$17,200	$13,338	$15,339	$15,339
19R 0072 **20R 0057** **21R 0331** **22R 0073**	170220339	$17,200	$13,338	$15,339	$15,339
19R 0073 **20R 0058** **21R 0332** **22R 0074**	170220340	$17,200	$13,338	$15,339	$15,339
19R 0074 **20R 0059** **21R 0333** **22R 0075**	170220341	$17,200	$13,338	$15,339	$15,339
19R 0075 **20R 0060** **21R 0337** **22R 0076**	170220342	$17,200	$13,338	$15,339	$15,339
19R 0076 **20R 0061** **21R 0341** **22R 0077**	170220343	$17,200	$13,338	$15,339	$15,339
19R 0077 **20R 0062** **21R 0354** **22R 0078**	170220344	$17,200	$13,338	$15,339	$15,339
19R 0078 **20R 0063** **21R 0342** **22R 0079**	170220345	$17,200	$13,338	$15,339	$15,339
19R 0079 **20R 0064** **21R 0353** **22R 0080**	170220346	$17,200	$13,338	$15,339	$15,339
19R 0080	170220347	$17,200	$13,338	$15,339	$15,339

20R 0065 **21R 0346** **22R 0081**					
19R 0081 **20R 0066** **21R 0343** **22R 0082**	170220348	$17,200	$13,338	$15,339	$15,339
19R 0082 **20R 0067** **21R 0345** **22R 0083**	170220349	$17,200	$13,338	$15,339	$15,339
19R 0083 **20R 0068** **21R 0344** **22R 0084**	170220351	$17,200	$13,338	$15,339	$15,339
19R 0084 **20R 0069** **21R 0347** **22R 0085**	170220352	$17,200	$13,338	$15,339	$15,339
19R 0085 **20R 0070** **21R 0349** **22R 0086**	170220353	$17,200	$13,338	$15,339	$15,339
19R 0086 **20R 0071** **21R 0348** **22R 0087**	170220354	$17,200	$13,338	$15,339	$15,339
19R 0087 **20R 0072** **21R 0351** **22R 0088**	170220355	$17,200	$13,338	$15,339	$15,339
19R 0088 **20R 0073** **21R 0350** **22R 0089**	170220356	$17,200	$13,338	$15,339	$15,339
19R 0089 **20R 0074** **21R 0352** **22R 0090**	170220357	$17,200	$13,338	$15,339	$15,339
19R 0090 **20R 0075** **21R 0340** **22R 0091**	170220358	$17,200	$13,338	$15,339	$15,339
19R 0091 **20R 0076** **21R 0356** **22R 0092**	170220359	$17,200	$13,338	$15,339	$15,339
19R 0092 **20R 0087** **21R 0360** **22R 0103**	170220370	$17,200	$13,338	$15,339	$15,339
19R 0093	170220371	$17,200	$13,338	$15,339	$15,339

20R 0088 **21R 0362** **22R 0104**					
19R 0094 **20R 0089** **21R 0361** **22R 0105**	170220372	$17,200	$13,338	$15,339	$15,339
19R 0095 **20R 0090** **21R 0355** **22R 0106**	170220373	$17,200	$13,338	$15,339	$15,339
19R 0096 **20R 0091** **21R 0363** **22R 0107**	170220374	$17,200	$13,338	$15,339	$15,339
19R 0097 **20R 0092** **21R 0306** **22R 0108**	170220375	$17,200	$13,338	$15,339	$15,339
19R 0098 **20R 0093** **21R 0296** **22R 0109**	170220376	$17,200	$13,338	$15,339	$15,339
19R 0099 **20R 0094** **21R 0305** **22R 0110**	170220377	$17,200	$13,338	$15,339	$15,339
19R 0100 **20R 0095** **21R 0303** **22R 0111**	170220378	$17,200	$13,338	$15,339	$15,339
19R 0101 **20R 0096** **21R 0304** **22R 0112**	170220379	$17,200	$13,338	$15,339	$15,339
19R 0102 **20R 0097** **21R 0301** **22R 0113**	170220380	$17,200	$13,338	$15,339	$15,339
19R 0103 **20R 0098** **21R 0302** **22R 0114**	170220381	$17,200	$13,338	$15,339	$15,339
19R 0104 **20R 0099** **21R 0300** **22R 0115**	170220382	$17,200	$13,338	$15,339	$15,339
19R 0105 **20R 0077** **21R 0357** **22R 0093**	170220360	$17,200	$13,338	$15,339	$15,339
19R 0106	170220361	$17,200	$13,338	$15,339	$15,339

20R 0078 **21R 0358** **22R 0094**					
19R 0107 **20R 0079** **21R 0289** **22R 0095**	170220362	$17,200	$13,338	$15,339	$15,339
19R 0108 **20R 0080** **21R 0359** **22R 0096**	170220363	$17,200	$13,338	$15,339	$15,339
19R 0109 **20R 0081** **21R 0292** **22R 0097**	170220364	$17,200	$13,338	$15,339	$15,339
19R 0110 **20R 0082** **21R 0290** **22R 0098**	170220365	$17,200	$13,338	$15,339	$15,339
19R 0111 **20R 0083** **21R 0291** **22R 0099**	170220366	$17,200	$13,338	$15,339	$15,339
19R 0112 **20R 0084** **21R 0295** **22R 0100**	170220367	$17,200	$13,338	$15,339	$15,339
19R 0113 **20R 0085** **21R 0294** **22R 0101**	170220368	$17,200	$13,338	$15,339	$15,339
19R 0114 **20R 0086** **21R 0293** **22R 0102**	170220369	$17,200	$13,338	$15,339	$15,339
19R 0115 **20R 0100** **21R 0299** **22R 0116**	170220383	$60,460	$41,170	$47,384	$47,384
19R 0116 **20R 0101** **21R 0309** **22R 0117**	170220384	$16,731	$12,868	$1,481	$1,481
19R 0117 **20R 0102** **21R 0308** **22R 0118**	170220386	$50,741	$34,880	$4,014	$4,014
19R 0118 **20R 0103** **21R 0307** **22R 0119**	170220387	$2,005	$2,162	$249	$249
19R 0119	170220388	$5,977	$5,908	$6,798	$6,798

20R 0104 **21R 0297** **22R 0120**					
19R 0120 **20R 0105** **21R 0298** **22R 0121**	170220389	$32,615	$23,148	$26,641	$26,641
19R 0121 **20R 0110** **21R 0274** **22R 0036**	170220147	$91,053	$60,971	$70,174	$70,174

The Taxpayer appealed the decisions of the County Board to the Tax Equalization and Review Commission (the Commission). The Commission held a consolidated hearing on October 23, 2023. Prior to the hearing, the parties exchanged exhibits and submitted a pre-hearing conference report, as ordered by the Commission. Exhibits 1-586 were admitted into evidence. Exhibit 587 was not admitted into evidence.

III. STANDARD OF REVIEW

The Commission's review of the County Board's determination is de novo.[2] When the Commission considers an appeal of a decision of a county board of equalization, a presumption exists that the board of equalization has faithfully performed its official duties in making an assessment and has acted upon sufficient competent evidence to justify its action.[3]

> That presumption remains until there is competent evidence to the contrary presented, and the presumption disappears when there is competent evidence adduced on appeal to the contrary. From that point forward, the reasonableness of the valuation fixed by the board of

[2] See Neb. Rev. Stat. § 77-5016(8) (Reissue 2018), *Brenner v. Banner County Bd. of Equal.*, 276 Neb. 275, 286, 753 N.W.2d 802, 813 (2008). "When an appeal is conducted as a 'trial de novo,' as opposed to a 'trial de novo on the record,' it means literally a new hearing and not merely new findings of fact based upon a previous record. A trial de novo is conducted as though the earlier trial had not been held in the first place, and evidence is taken anew as such evidence is available at the time of the trial on appeal." *Koch v. Cedar County Freeholder Bd.*, 276 Neb. 1009, 1019 (2009).
[3] *Brenner*, 276 Neb. at 283, 753 N.W.2d at 811 (citations omitted).

> equalization becomes one of fact based upon all the evidence presented. The burden of showing such valuation to be unreasonable rests upon the taxpayer on appeal from the action of the board.[4]

The order, decision, determination, or action appealed from shall be affirmed unless evidence is adduced establishing that the order, decision, determination, or action was unreasonable or arbitrary.[5] Proof that the order, decision, determination, or action was unreasonable or arbitrary must be made by clear and convincing evidence.[6]

The Taxpayer must introduce competent evidence of actual value of the Subject Property in order to successfully claim that the Subject Property is overvalued.[7] The County Board need not put on any evidence to support its valuation of the property at issue unless the Taxpayer establishes that the County Board's valuation was unreasonable or arbitrary.[8]

In an appeal, the Commission may determine any question raised in the proceeding upon which an order, decision, determination, or action appealed from is based. The Commission may consider all questions necessary to determine taxable value of property as it hears an appeal or cross appeal.[9] The Commission may take notice of judicially cognizable facts, may take notice of general, technical, or scientific facts within its specialized knowledge, and may utilize its experience, technical competence, and specialized knowledge in the

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[4] *Id.*
[5] Neb. Rev. Stat. § 77-5016(9) (Reissue 2018).
[6] *Omaha Country Club v. Douglas County Bd. of Equal.,* 11 Neb. App. 171, 645 N.W.2d 821 (2002).
[7] Cf. *Josten-Wilbert Vault Co. v. Bd. of Equal. for Buffalo County*, 179 Neb. 415, 138 N.W.2d 641 (1965) (determination of actual value); *Lincoln Tel. and Tel. Co. v. County Bd. of Equal. of York County,* 209 Neb. 465, 308 N.W.2d 515 (1981) (determination of equalized taxable value).
[8] *Bottorf v. Clay County Bd. of Equal.,* 7 Neb. App. 162, 580 N.W.2d 561 (1998).
[9] Neb. Rev. Stat. § 77-5016(8) (Reissue 2018).

evaluation of the evidence presented to it.[10] The Commission's Decision and Order shall include findings of fact and conclusions of law.[11]

IV. RELEVANT LAW

Under Nebraska law,

> Actual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and a willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used. In analyzing the uses and restrictions applicable to real property the analysis shall include a full description of the physical characteristics of the real property and an identification of the property rights valued.[12]

Actual value may be determined using professionally accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in Neb. Rev. Stat. § 77-1371, (2) income approach, and (3) cost approach.[13] Nebraska courts have held that actual value, market value, and fair market value mean exactly the same thing.[14] Taxable value is the percentage of actual value subject to taxation as directed by Neb. Rev. Stat. § 77-201 and has the same meaning as assessed value.[15] All real property in Nebraska subject to taxation shall be assessed as of January 1.[16] All taxable real property, with the exception of agricultural land and

[10] Neb. Rev. Stat. § 77-5016(6) (Reissue 2018).
[11] Neb. Rev. Stat. § 77-5018(1) (Reissue 2018).
[12] Neb. Rev. Stat. § 77-112 (Reissue 2018).
[13] *Id.*
[14] *Omaha Country Club,* 11 Neb. App. at 180, 645 N.W.2d at 829.
[15] Neb. Rev. Stat. § 77-131 (Reissue 2018).
[16] See Neb. Rev. Stat. § 77-1301(1) (Reissue 2018); Neb. Rev. Stat. § 77-1301(1) (Cum. Supp. 2020).

horticultural land, shall be valued at actual value for purposes of taxation.[17]

Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by the Nebraska Constitution.[18] Equalization is the process of ensuring that all taxable property is placed on the assessment rolls at a uniform percentage of its actual value.[19] The purpose of equalization of assessments is to bring the assessment of different parts of a taxing district to the same relative standard, so that no one of the parts may be compelled to pay a disproportionate part of the tax.[20] Uniformity requires that whatever methods are used to determine actual or taxable value for various classifications of real property that the results be correlated to show uniformity.[21] Taxpayers are entitled to have their property assessed uniformly and proportionately, even though the result may be that it is assessed at less than the actual value.[22] If taxable values are to be equalized it is necessary for a Taxpayer to establish by clear and convincing evidence that the valuation placed on the property when compared with valuations placed on other similar properties is grossly excessive and is the result of systematic exercise of intentional will or failure of plain legal duty, and not mere errors of judgment.[23] There must be something more, something which in effect amounts to an intentional violation of the essential principle of practical uniformity.[24]

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[17] See Neb. Rev. Stat. § 77-201(1) (Reissue 2018); Neb. Rev. Stat. § 77-201(1) (Cum. Supp. 2022).
[18] Neb. Const., art. VIII, § 1.
[19] *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 471 N.W.2d 734 (1991).
[20] *Id.*; *Cabela's Inc. v. Cheyenne County Bd. of Equalization*, 8 Neb. App. 582, 597 N.W.2d 623 (1999).
[21] *Banner County v. State Bd. of Equal.*, 226 Neb. 236, 411 N.W.2d 35 (1987).
[22] *Equitable Life v. Lincoln County Bd. of Equal.*, 229 Neb. 60, 425 N.W.2d 320 (1988); *Fremont Plaza v. Dodge Cty. Bd. of Equal.*, 225 Neb. 303, 405 N.W.2d 555 (1987).
[23] *Newman v. County of Dawson,* 167 Neb. 666, 670, 94 N.W.2d 47, 49-50 (1959) (citations omitted).
[24] *Id.*, 167 Neb. at 673, 94 N.W.2d at 50.

V. FINDINGS OF FACT AND ANALYSIS

A. Testimony of Gary Brandt

Brandt is a licensed real estate appraiser and broker. He holds the MAI designation from the Appraisal Institute and holds a CCIM designation from the National Association of Realtors. Brandt is familiar with the Subject Properties and the Sidney area in general as he has previously appraised the Subject Properties and other properties in the area.

Brandt described the Subject Properties as developed, as the roads, curbs, and other infrastructure were put in place in 2016 and 2017 to allow the building of homes on the parcels. He testified that four lots in a neighboring subdivision had sold in 2015[25] and had been improved with homes. Brandt stated due to the age of the sales, they were not considered in his analyses. Brandt completed appraisals of the Subject Properties for tax years 2019, 2020, 2021, and 2022 which complied with the Uniform Standards of Professional Appraisal Practice (USPAP).[26]

Brandt noted there were significant size differences among the 83 developed lots. He testified the Appellant initially purchased the Subject Properties with the intent to develop them into employee residences. However, with the purchase of the Appellant corporation by a competitor in September 2017,[27] the plan for the Subject Properties had changed.

In valuing the Subject Properties, Brandt relied on a "retail premise" using comparable sales, in which he determined a value based upon the average size of the 83 developed lots to determine an aggregate price. Brandt then used a discounted cash flow analysis to determine a "Bulk Sale Value" for the developed lots and outlots as a whole. Brandt stated he did not provide separate values for the outlots as generally the value of those outlots would ultimately contribute to,

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[25] See also Exhibit 491:47.
[26] Exhibit 490:1-2; Exhibit 491:1-2.
[27] See Exhibit 490:19.

and be reflected in, the value of the individual developed parcels. Brandt's appraisals included a market analysis of the relevant area[28] as well as a highest-and-best use analysis.[29] Brandt testified there was not a market for vacant lots in Sidney.

In reaching his conclusion, Brandt used two of the traditional approaches to valuation – the Sales Comparison Approach and the Income Capitalization Approach.[30]

a. Sales Comparison Approach

Brandt reiterated a lack of sales in Sidney posed an issue in the analysis as the most recent comparable vacant land sales he could find occurred in 2014.[31] Brandt found four additional vacant land sales in Gering, Nebraska which he asserts were comparable to the Subject Properties as they "were located in a subdivision that had developed slowly over the years."[32] Brandt made adjustments to account for market variances, including downward adjustments of 25% and 30% to the comparable sales.[33]

For his 2021 and 2022 analyses, Brandt selected a different set of sales, one from Sidney and five from Gering.[34] Again, Brandt adjusted the sale prices for better comparison with the Subject Properties.[35]

After the adjustments to the comparable sales in his 2019 and 2020 analysis, Brandt found a price of $1.50 per square foot and applied it to the average lot size of 10,104 square feet.[36] Over the 83 developed lots, the total value from Brandt's sales approach resulted in $1,245,000 for tax year 2019[37] and $937,900 for tax year 2020.[38] However, Brandt's

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[28] Exhibit 490:19-21; Exhibit 491:21-23.
[29] Exhibit 490:30-32; Exhibit 491:32-35.
[30] Exhibit 490:35; Exhibit 491:37.
[31] See Exhibit 491:43-44.
[32] *Id.* at 47.
[33] *Id.*
[34] Exhibit 490:44.
[35] *Id.* at 45-46.
[36] Exhibit 491:48.
[37] *Id.*
[38] *Id.* at 57.

appraisal qualifies the total value, stating "the [$1,245,000] price would not reflect actual value of all the lots, since there is presently not a market for lots until market conditions improve."[39] In his 2021/2022 appraisal report, Brandt indicated a total retail value of $1,162,400 for tax year 2021,[40] and $1,058,250 for tax year 2022,[41] with the same qualifying language as above.

b. Income Capitalization Approach

Brandt's 2019 and 2020 income approach centers around his use of discounted cash flow analysis to determine the present value of the Subject Properties.[42] In his analysis of the subdivision market in 2019 and 2020, Brandt points out a decline in the population of Sidney, as well as a lack of new construction building permits in 2018 and 2019, further demonstrating the lack of a market for vacant land.[43] Using his discounted cash flow analysis,[44] Brandt calculated a bulk sale value of $180,300 for all Subject Properties for tax year 2019,[45] and $91,600 for tax year 2020.[46]

In his 2021/2022 analyses, Brandt used a similar methodology to calculate bulk sale values of $204,000 for 2021[47] and $161,600 for 2022.[48]

c. Reconciliation of Value

In reconciling his final opinion of value, Brandt gave the most weight to his income approach and discounted cash flow analysis, with his final opinion consistent with the bulk sale value of $180,300 for 2019.[49] Brandt used similar analyses for tax years 2020,[50] 2021, and

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[39] *Id.* at 48.
[40] Exhibit 490:46.
[41] *Id.* at 56
[42] Exhibit 491:49-50.
[43] *Id.* at 51.
[44] *Id.* at 52-54.
[45] *Id.* at 55.
[46] *Id.* at 62.
[47] Exhibit 490:54.
[48] *Id.* at 61.
[49] Exhibit 491:55.
[50] *Id.* at 56-62.

2022,[51] resulting in bulk sale values of $91,600 for tax year 2020,[52] $204,000 for tax year 2021,[53] and $161,600 for tax year 2022.[54]

B. Testimony of David Scott

Scott was the City Manager for Sidney. Prior to his employment as the City Manager, Scott was the Finance Director for Sidney. Scott testified to the economic status of Sidney, noting his personal experience of purchasing a home in Sidney in approximately 2018 as prices were low and there were several properties available for purchase.

Scott stated that, since that time, Sidney has been aggressively pursuing economic development and growth, stating the available homes for sale had decreased to less than twenty. Scott also cited to a housing study done in 2021 indicating a need for an additional 200 homes to be constructed in Sidney in the next ten years. Scott noted a developer was then in talks to purchase and develop lots in a nearby subdivision.

C. Testimony of Jordan Hajek

Hajek had been the Cheyenne County Assessor since January 2023. Hajek was previously employed with the Cheyenne County Assessor's office since 2019. Hajek testified she inspected the Subject Properties sometime in 2020 and again in 2023 in preparation for the hearing. Hajek stated she was under the impression the Appellant would not sell the Subject Properties outside of an "all-or-nothing" sale but was unaware of any other restrictions on the Subject Properties. Hajek stated the nearby Prairie Wind subdivision would be comparable to the Subject Properties.

Based upon her reevaluation of the Subject Properties, Hajek provided updated opinions of value. For 2019 and 2020, the revised opinions of value would be $13,338 per lot. Hajek agreed with the

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[51] Exhibit 490:47-61.
[52] Exhibit 491:62
[53] Exhibit 490:54.
[54] *Id.* at 490:61.

County Board's assigned value of $15,339 per lot for tax years 2021 and 2022. Hajek then testified the increase in value for 2021 and 2022 was justified by sales as well as a lot study conducted by the prior County Assessor. Hajek conceded she was unaware of any vacant lot sales in Sidney outside of the above-mentioned 2015 sales.

D. Testimony of Lane Kizzire

Kizzire had been the Finance Director and Floodplain Administrator for the City of Sidney. He stated he prepared a special assessment payoff reports for the taxpayer. These special assessments were issued to finance and build the infrastructure for the Subject Properties and are not scheduled to be paid off until 2037.

Kizzire also agreed with the testimony of David Scott as to the economic situation of Sidney. He also noted the number of vacant homes had been consistent at approximately ten to twenty at any given time.

VI. ANALYSIS

A. The presumption in favor of the County Board has been overcome by competent evidence.

When an independent appraiser using professionally approved methods of mass appraisal certifies that an appraisal was performed according to professional standards, the appraisal is considered competent evidence under Nebraska law.[55] Because the Appellant has presented competent evidence of an alternative value, the presumption that the County Board acted upon sufficient evidence has been overcome, and the "reasonableness of the valuation fixed by the board of equalization becomes one of fact based upon all of the evidence presented."[56] Because Brandt's independent appraisals of the Subject Properties for tax years 2019, 2020, 2021, and 2022 complied with the professional standards under USPAP, they are sufficient to overcome

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[55] *Cain v. Custer Cty. Bd. of Equal.*, 298 Neb. 834, 850, 906 N.W.2d 285, 298 (2018).
[56] *Wheatland Indus. v. Perkins Cty. Bd. of Equal.*, 304 Neb. 638, 644-45, 935 N.W.2d 764, 769-70 (2019) (citing *Betty L. Green Living Trust v. Morrill Cty. Bd. of Equal.*, 299 Neb. 933, 941-42, 911 N.W.2d 551, 558 (2018)).

the presumption in favor of the County Board.[57]

B. The valuations set by the County Board are arbitrary and unreasonable.

Nebraska law requires all property, except for agricultural and horticultural land, to be valued at actual value.[58] Actual value is defined in statute as "the most probable price… that a property will bring if exposed for sale in the open market… between a willing buyer and willing seller…"[59]

It cannot be ignored the Subject Properties were initially developed in anticipation of growth which did not occur. In fact, none of the Subject Properties have sold since the properties were initially developed in 2016 to 2017. "We recognize, of course, that in cases such as this where there is no market or no sale of like property, actual or market value must be arrived at by theoretical methods commonly used by appraisers qualified in the particular field."[60]

As noted above, the Appellant has the burden to demonstrate, by clear and convincing evidence, the County Board's decisions were arbitrary or unreasonable. Hajek testified she revised her opinion of value for the Subject Properties for tax years 2019 and 2020. This revised opinion of actual value for these tax years could demonstrate the County Board decisions setting the value of the Subject Properties for tax years 2019 and 2020 were arbitrary or unreasonable. Hajek testified her revised opinions were based upon a decrease in lot values for tax year 2019 and the Commission's prior order setting the values for the Subject Properties at $13,338 per lot for tax year 2018. However, the assessed value for real property may be different from year to year according to the circumstances.[61] For this reason, a prior

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[57] See Exhibit 490:1-2; Exhibit 491:1-2.
[58] See Neb. Rev. Stat. § 77-201(1)-(3) (Reissue 2018); Neb. Rev. Stat. § 77-201(1)-(3) (Cum. Supp. 2022).
[59] Neb. Rev. Stat. § 77-112 (Reissue 2018).
[60] *Lincoln Tel. and Tel. Co.,* 209 Neb. at 476, 308 N.W.2d at 522.
[61] *Affiliated Foods Coop. v. Madison Co. Bd. of Equal.*, 229 Neb. 605, 614, 428 N.W.2d 201, 206 (1988); see Neb. Rev. Stat. § 77-1502 (Reissue 2018).

year's assessment is not relevant to the subsequent year's valuation.[62] The Commission must look to the value of the Subject Property as of January 1 of each tax year.[63]

The County Board presented a table indicating 23 sales occurring between 2015 and 2022 for parcels in the Ranch at Sidney and Prairie Winds subdivisions.[64] Of those sales, only five were sales of unimproved land. Four of those sales occurred within the same subdivision as the Subject Properties. However, those sales all occurred in December 2015, well prior to the 2017 sale of Cabela's which, the parties do not dispute, significantly affected demand and sales for the Subject Properties and similar vacant lots in Sidney.

There is only one sale, in the Prairie Winds subdivision, which did not have improvements at the time of the July 2021 sale. That sale involved a 13,375 sq. ft. parcel which sold for $20,000 and had been assessed at $13,350 for tax year 2021.[65] Hajek's testimony would indicate the assessed value was based upon a lot study conducted by the prior county assessor. This study was not entered into the record. Accordingly, the Commission is without sufficient data to determine whether the assessed value assigned to the Prairie Winds parcel was representative of actual value. Likewise, the Commission is without sufficient data to determine whether the 2021 and 2022 assessed values of the Subject Properties were representative of actual value. For these reasons, the Commission finds the values set by the County Board for the relevant tax years to be arbitrary or unreasonable.

C. The Brandt Appraisals represent the best overall indicators of actual value for the Subject Properties

Turning to the Brandt appraisals, Brandt's USPAP-compliant appraisals covering all four tax years at issue provided an overview of the market data for Sidney, Nebraska, noting the sale of Cabela's to its

[62] *Affiliated Foods Coop.*, 229 Neb. at 613, 428 N.W.2d at 206; *DeVore v. Board of Equal.*, 144 Neb. 351, 354-55, 13 N.W.2d 451, 452-53 (1944).
[63] See Neb. Rev. Stat § 77-1301 (Reissue 2018); Neb. Rev. Stat § 77-1301 (Cum. Supp. 2020).
[64] Exhibit 460.
[65] Exhibit 482:1-3.

competitor resulting in a significant reduction in employment opportunities for the area.[66]

Brandt's appraisals considered two of the traditional approaches to value expressly identified in statute, the sales comparison approach, and the income approach.[67] The sales examined by Brandt included vacant lot sales in Gering, Nebraska, and sales in Sidney. Both parties agree only four sales occurred in the Subject Properties' subdivision, and those occurred in 2015.[68] The four Gering sales considered for Brandt's 2019/2020 appraisal occurred between May 2018 and July 2019.[69] For Brandt's 2021/2022 appraisal, five Gering sales were considered between May 2018 and October 2021 along with the single July 2021 sale in Sidney.[70]

Brandt adjusted the sales prices of the selected comparable sales and provided reasoning as to why the adjustments were made.[71] Brandt's appraisal adjustments resulted in an average lot value of $15,000 in tax year 2019,[72] $11,300 in tax year 2020,[73] $14,000 in tax year 2021,[74] and $12,750 in tax year 2022.[75] Both appraisals contain a disclaimer that those prices do not reflect actual value due to the adverse market conditions and lack of demand.

To determine actual value for the relevant tax years, Brant uses a discounted cash flow analysis. Discounted cash flow analysis is a refinement of the yield capitalization method in which cash flows and a net resale price are discounted at a rate to indicate a present value.[76] The appraisals provide a description of the variables used in the

[66] Exhibit 491:21.
[67] Neb. Rev. Stat. § 77-112 (Reissue 2018).
[68] See Exhibit 491:47; Exhibit 460.
[69] Exhibit 491:46.
[70] Exhibit 490:44.
[71] *Id.* at 45-46; Exhibit 491:47-48.
[72] Exhibit 491:48.
[73] *Id.* at 57.
[74] Exhibit 490:46.
[75] *Id.* at 56.
[76] Appraisal Institute, *The Appraisal of Real Estate* 493-95 (15th ed. 2020).

analysis, along with discussion as to the basis for those variables.[77] Of note is Brandt's use in his 2021/2022 appraisal of a 2021 housing study commissioned by the City of Sidney and performed by RDG Planning and Design indicating the need for additional homes to be constructed in Sidney over the subsequent ten years. While the study is not in the record before the Commission, the reference to the study is consistent with the testimony provided by Scott as to the projections for increased demand.

The County Board questioned the Appellant's efforts in attempting to sell the Subject Properties. However, the July 2021 sale of unimproved land in the Prairie Winds Subdivision indicates that any lack of effort on the Appellant's part to sell the Subject Properties had minimal, if any, impact upon the market value of the Subject Properties.

The Commission finds the Brandt appraisals to be clear and convincing evidence the County Board's determinations of value for the Subject Properties were arbitrary or unreasonable for tax years 2019, 2020, 2021, and 2022.

D. The Commission must allocate value to each Subject Property for each tax year at issue

While the Commission finds the Brandt appraisals represent the most accurate opinion of total value for the Subject Properties, Brandt's use of an average lot size in assigning values to the individual Subject Properties would be inconsistent with Nebraska law. "To set the valuation of similarly situated property, i.e., comparables, at materially different levels, i.e., value per square foot, is by definition, unreasonable and arbitrary, under the Nebraska Constitution."[78]

Here, the assignment of the same value for a parcel which is 7,032 square feet and one that is 16,286 square feet in size would cause the value per square foot to differ to an extent as to violate the uniformity

[77] Exhibit 490:47-53, 57-60; Exhibit 491:49-54, 58-61.
[78] *Scribante v. Douglas County Board of Equalization*, 8 Neb. App. 25, 39, 588 N.W.2d 190, 199 (1999).

requirement set forth in the Nebraska Constitution.[79] "[W]hile absolute uniformity of approach for taxation may not be possible, there must be a reasonable attempt at uniformity."[80] The record before the Commission provides little information to allow the Commission to differentiate and allocate value amongst the 83 platted lots and 7 outlots which make up the Subject Properties on a basis other than the square footage of each Subject Property. Accordingly, the Commission assigns the same per-square-foot value to each of the 90 Subject Properties.

The Brandt Appraisals provide a 'Bulk Sale Value' for each tax year.[81] The total square footage for 83 of the Subject Properties is 838,640 square feet.[82] Brandt's appraisal does not add the square footage of the seven outlots to that total. Once the outlot size is added, a total square footage of 1,168,058 is reached. By dividing Brandt's bulk sale value by the total square footage, a per-square-foot value is reached for each tax year. That per-square-foot value is then multiplied by the square footage of each Subject Property to provide a uniform and proportionate value for each parcel.[83]

VII. CONCLUSION

The Commission finds that there is competent evidence to rebut the presumption that the County Board faithfully performed its duties and had sufficient competent evidence to make its determinations. The Commission also finds that there is clear and convincing evidence that the County Board's decisions were arbitrary or unreasonable.

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[79] Neb. Const. art. VIII, § 1(1) ("Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution.").
[80] *Constructors, Inc. v. Cass Cty. Bd. of Equal.*, 258 Neb. 866, 873, 606 N.W.2d 786, 792 (2000).
[81] Exhibit 491:4 ($180,300 for tax year 2019 and $91,600 for tax year 2020); Exhibit 490:4 ($204,000 for tax year 2021 and $161,600 for tax year 2022).
[82] See Exhibit 491:9-11.
[83] *See Constructors, Inc., supra* note 84 ("Taxpayers are entitled to have their property assessed uniformly and proportionately, even though the result may be that it is assessed at less than the actual value.").

For the reasons set forth above, the determinations of the County Board should be vacated and reversed.

VIII. ORDER

IT IS ORDERED THAT:

1. The decisions of the Cheyenne County Board of Equalization determining the taxable values of the Subject Properties for tax years 2019, 2020, 2021, and 2022 are vacated and reversed.
2. The taxable values of the Subject Properties for tax years 2019, 2020, 2021, and 2022 are as follows:

Case Nos.	Parcel ID No.	2019 Value	2020 Value	2021 Value	2022 Value
19R 0032 **20R 0106** **21R 0278** **22R 0032**	170220143	$2,112	$1,127	$2,394	$1,972
19R 0033 **20R 0107** **21R 0277** **22R 0033**	170220144	$2,351	$1,254	$2,665	$2,195
19R 0034 **20R 0108** **21R 0276** **22R 0034**	170220145	$1,437	$767	$1,629	1,341
19R 0035 **20R 0109** **21R 0275** **22R 0035**	170220146	$1,546	$825	$1,752	$1,443
19R 0036 **20R 0021** **21R 0288** **22R 0037**	170220299	$1,543	$823	$1,748	$1,440
19R 0037 **20R 0022** **21R 0282** **22R 0038**	170220300	$1,509	$805	$1,710	$1,408
19R 0038 **20R 0023** **21R 0281** **22R 0039**	170220301	$1,850	$986	$2,096	$1,726
19R 0039 **20R 0024**	170220302	$1,613	$860	$1,828	$1,505

21R 0279 **22R 0040**					
19R 0040 **20R 0025** **21R 0280** **22R 0041**	170220303	$1,730	$922	$1,960	$1,614
19R 0041 **20R 0026** **21R 0285** **22R 0042**	170220304	$1,624	$866	$1,841	$1,516
19R 0042 **20R 0027** **21R 0286** **22R 0043**	170220305	$1,223	$652	$1,386	$1,142
19R 0043 **20R 0028** **21R 0284** **22R 0044**	170220306	$1,792	$956	$2,030	$1,672
19R 0044 **20R 0029** **21R 0283** **22R 0045**	170220307	$1,478	$788	$1,675	$1,379
19R 0045 **20R 0030** **21R 0287** **22R 0046**	170220308	$1,338	$714	$1,517	$1,249
19R 0046 **20R 0031** **21R 0311** **22R 0047**	170220309	$1,653	$882	$1,873	$1,543
19R 0047 **20R 0032** **21R 0310** **22R 0048**	170220310	$1,523	$812	$1,726	$1,421
19R 0048 **20R 0033** **21R 0317** **22R 0049**	170220315	$1,244	$663	$1,409	$1,161
19R 0049 **20R 0034** **21R 0316** **22R 0050**	170220316	$1,716	$915	$1,945	$1,602
19R 0050 **20R 0035** **21R 0315** **22R 0051**	170220317	$2,188	$1,167	$2,480	$2,042
19R 0051 **20R 0036** **21R 0314** **22R 0052**	170220318	$1,892	$1,009	$2,145	$1,766
19R 0052 **20R 0037**	170220319	$1,551	$827	$1,758	$1,448

21R 0313 **22R 0053**					
19R 0053 **20R 0038** **21R 0324** **22R 0054**	170220320	$1552	$828	$1,759	$1,449
19R 0054 **20R 0039** **21R 0318** **22R 0055**	170220321	$1,599	$853	$1,812	$1,492
19R 0055 **20R 0039** **21R 0319** **22R 0056**	170220322	$1,448	$772	$1,641	$1,351
19R 0056 **20R 0041** **21R 0320** **22R 0057**	170220323	$1,488	$794	$1,687	$1,389
19R 0057 **20R 0042** **21R 0323** **22R 0058**	170220324	$1,302	$694	$1,476	$1,215
19R 0058 **20R 0043** **21R 0322** **22R 0059**	170220325	$1,566	$835	$1,775	$1,461
19R 0059 **20R 0044** **21R 0321** **22R 0060**	170220326	$1,516	$808	$1,718	$1,415
19R 0060 **20R 0045** **21R 0312** **22R 0061**	170220327	$1,765	$941	$2,000	$1,647
19R 0061 **20R 0046** **21R 0338** **22R 0062**	170220328	$2,290	$1,221	$2,595	$2,137
19R 0062 **20R 0047** **21R 0339** **22R 0063**	170220329	$2,141	$1,142	$2,426	$1,998
19R 0063 **20R 0048** **21R 0325** **22R 0064**	170220330	$1,537	$820	$1,742	$1,435
19R 0064 **20R 0049** **21R 0326** **22R 0065**	170220331	$1,301	$694	$1,474	$1,214
19R 0065 **20R 0050**	170220332	$1,224	$653	$1,388	$1,143

21R 0327 22R 0066					
19R 0066 20R 0051 21R 0329 22R 0067	170220333	$1,477	$788	$1,674	$1,378
19R 0067 20R 0052 21R 0334 22R 0068	170220334	$1,506	$803	$1,706	$1,405
19R 0068 20R 0053 21R 0335 22R 0069	170220335	$1,240	$661	$1,405	$1,157
19R 0069 20R 0054 21R 0336 22R 0070	170220336	$1,260	$672	$1,428	$1,176
19R 0070 20R 0055 21R 0328 22R 0071	170220337	$1,212	$647	$1,374	$1,131
19R 0071 20R 0056 21R 0330 22R 0072	170220338	$1,487	$793	$1,686	$1,388
19R 0072 20R 0057 21R 0331 22R 0073	170220339	$1,683	$898	$1,908	$1,571
19R 0073 20R 0058 21R 0332 22R 0074	170220340	$1,677	$894	$1,901	$1,565
19R 0074 20R 0059 21R 0333 22R 0075	170220341	$1,486	$793	$1,685	$1,387
19R 0075 20R 0060 21R 0337 22R 0076	170220342	$1,496	$798	$1,696	$1,397
19R 0076 20R 0061 21R 0341 22R 0077	170220343	$1,598	$852	$1,811	$1,491
19R 0077 20R 0062 21R 0354 22R 0078	170220344	$1,400	$747	$1,587	$1,307
19R 0078 20R 0063	170220345	$1,305	$696	$1,479	$1,218

21R 0342 **22R 0079**					
19R 0079 **20R 0064** **21R 0353** **22R 0080**	170220346	$1,353	$721	$1,533	$1,263
19R 0080 **20R 0065** **21R 0346** **22R 0081**	170220347	$1,172	$625	$1,328	$1,094
19R 0081 **20R 0066** **21R 0343** **22R 0082**	170220348	$1,055	$563	$1,195	$984
19R 0082 **20R 0067** **21R 0345** **22R 0083**	170220349	$1,130	$603	$1,281	$1,055
19R 0083 **20R 0068** **21R 0344** **22R 0084**	170220351	$1,271	$678	$1,440	$1,186
19R 0084 **20R 0069** **21R 0347** **22R 0085**	170220352	$1,272	$678	$1,442	$1,187
19R 0085 **20R 0070** **21R 0349** **22R 0086**	170220353	$1,514	$808	$1,716	$1,413
19R 0086 **20R 0071** **21R 0348** **22R 0087**	170220354	$1,622	$865	$1,839	$1,514
19R 0087 **20R 0072** **21R 0351** **22R 0088**	170220355	$1,386	$739	$1,571	$1,294
19R 0088 **20R 0073** **21R 0350** **22R 0089**	170220356	$1,301	$694	$1,475	$1,215
19R 0089 **20R 0074** **21R 0352** **22R 0090**	170220357	$1,319	$703	$1,495	$1,231
19R 0090 **20R 0075** **21R 0340** **22R 0091**	170220358	$1,426	$761	$1,616	$1,331
19R 0091 **20R 0076**	170220359	$1,604	$855	$1,817	$1,497

21R 0356 **22R 0092**					
19R 0092 **20R 0087** **21R 0360** **22R 0103**	170220370	$1,309	$698	$1,483	$1,222
19R 0093 **20R 0088** **21R 0362** **22R 0104**	170220371	$1,299	$693	$1,473	$1,213
19R 0094 **20R 0089** **21R 0361** **22R 0105**	170220372	$1,290	$688	$1,462	$1,204
19R 0095 **20R 0090** **21R 0355** **22R 0106**	170220373	$1,287	$686	$1,459	$1,201
19R 0096 **20R 0091** **21R 0363** **22R 0107**	170220374	$1,288	$687	$1,460	$1,202
19R 0097 **20R 0092** **21R 0306** **22R 0108**	170220375	$1,294	$690	$1,466	$1,207
19R 0098 **20R 0093** **21R 0296** **22R 0109**	170220376	$1,304	$695	$1,478	$1,217
19R 0099 **20R 0094** **21R 0305** **22R 0110**	170220377	$1,309	$698	$1,484	$1,222
19R 0100 **20R 0095** **21R 0303** **22R 0111**	170220378	$1,144	$610	$1,297	$1,068
19R 0101 **20R 0096** **21R 0304** **22R 0112**	170220379	$1,546	$825	$1,752	$1,443
19R 0102 **20R 0097** **21R 0301** **22R 0113**	170220380	$1,725	$920	$1,955	$1,610
19R 0103 **20R 0098** **21R 0302** **22R 0114**	170220381	$1,906	$1,016	$2,160	$1,779
19R 0104 **20R 0099**	170220382	$2,443	$1,303	$2,769	$2,280

21R 0300 **22R 0115**					
19R 0105 **20R 0077** **21R 0357** **22R 0093**	170220360	$1,437	$767	$1,629	$1,341
19R 0106 **20R 0078** **21R 0358** **22R 0094**	170220361	$1,469	$784	$1,665	$1,371
19R 0107 **20R 0079** **21R 0289** **22R 0095**	170220362	$1,746	$931	$1,979	$1,630
19R 0108 **20R 0080** **21R 0359** **22R 0096**	170220363	$1,618	$863	$1,833	$1,510
19R 0109 **20R 0081** **21R 0292** **22R 0097**	170220364	$1,437	$767	$1,629	$1,341
19R 0110 **20R 0082** **21R 0290** **22R 0098**	170220365	$1,424	$759	$1,613	$1,329
19R 0111 **20R 0083** **21R 0291** **22R 0099**	170220366	$1,558	$831	$1,766	$1,454
19R 0112 **20R 0084** **21R 0295** **22R 0100**	170220367	$1,395	$744	$1,581	$1,302
19R 0113 **20R 0085** **21R 0294** **22R 0101**	170220368	$1,389	$741	$1,574	$1,297
19R 0114 **20R 0086** **21R 0293** **22R 0102**	170220369	$1,284	$685	$1,455	$1,199
19R 0115 **20R 0100** **21R 0299** **22R 0116**	170220383	$11,509	$6,138	$13,043	$10,742
19R 0116 **20R 0101** **21R 0309** **22R 0117**	170220384	$3,185	$1,699	$3,609	$2,972
19R 0117 **20R 0102**	170220386	$9,659	$5,151	$10,947	$9,015

21R 0308 **22R 0118**					
19R 0118 **20R 0103** **21R 0307** **22R 0119**	170220387	$382	$204	$432	$356
19R 0119 **20R 0104** **21R 0297** **22R 0120**	170220388	$1,138	$607	$1,289	$1,062
19R 0120 **20R 0105** **21R 0298** **22R 0121**	170220389	$6,208	$3,311	$7,036	$5,794
19R 0121 **20R 0110** **21R 0274** **22R 0036**	170220147	$17,333	$9,244	$19,644	$16,177

3. This Decision and Order, if no appeal is timely filed, shall be certified to the Cheyenne County Treasurer and the Cheyenne County Assessor, pursuant to Neb. Rev. Stat. § 77-5018 (Reissue 2018).
4. Any request for relief, by any party, which is not specifically provided for by this Decision and Order is denied.
5. Each party is to bear its own costs in this proceeding.
6. This Decision and Order shall only be applicable to tax years 2019, 2020, 2021, and 2022.
7. This Decision and Order is effective for purposes of appeal on August 7, 2026.[84]

SIGNED AND SEALED: August 7, 2026.

SEAL

Robert W. Hotz, Commissioner

James D. Kuhn, Commissioner

[84] Appeals from any decision of the Commission must satisfy the requirements of Neb. Rev. Stat. § 77-5019 (Reissue 2018) and other provisions of Nebraska Statutes and Court Rules.