

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

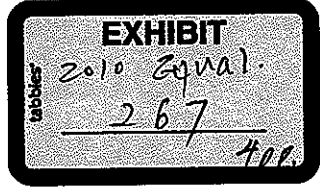
IN THE MATTER OF THE)
EQUALIZATION OF VALUE OF REAL)
PROPERTY WITHIN KEITH COUNTY,)
NEBRASKA, FOR TAX YEAR 2010)

COUNTY NUMBER 51

AFFIDAVIT


COMES NOW, Ruth A. Sorensen, and after being sworn, and on her oath, deposes and states the following:

1. That at all times relevant hereto, I am the duly appointed Property Tax Administrator for the state of Nebraska. As provided by Neb. Rev. Stat. §77-701 (2009), I am the chief administrative officer of Department of Revenue's Property Assessment Division. By operation of Neb. Rev. Stat. §77-115, I perform the duties and have the authority of the county assessor in every county in which the assessment function has been assumed by the State. The state has assumed the assessment function for Keith County. A summary of my qualifications has already been received by this Commission as Exhibit 109, and all of the information in Exhibit 109 describing my background and experience is true and correct to the best of my knowledge and belief.
2. As part of my duties as the assessor for Keith County, I oversee the setting of real property values in Keith County for ad valorem taxes. Every attempt is made to verify the information for all sales reported to the Assessment Office on the Real Estate Transfer Statement, Form 521.
3. The standards developed by the International Association of Assessing Officers ("IAAO") and generally accepted mass appraisal techniques, as they relate to the mass appraisal of real property in Keith County, were relied upon when setting values.
4. On January 1, 2005, a complete appraisal for assessment year 2005 was implemented.
5. In late 2006, the Wal-Mart Corporation announced plans to build a store in Ogallala by the interstate.
6. In 2007, the Rockies Express West Pipeline Company, in order to better accommodate its employees as it built its pipeline across Nebraska, located their business office (along with housing for management and a base for all of their large equipment) just south of Ogallala.
7. In the summer of 2008, Wal-Mart announced that they were abandoning their plans to build a store in Ogallala by the interstate.
8. By the end of 2008, the Rockies Express West Pipeline Company moved out of the area.



9. The commercial sales that occurred in Keith County in 2007 and 2008 are not representative of the commercial market as it existed on January 1, 2010.
10. Income-producing property in Ogallala was influenced in 2007 and 2008 by the pipeline company, as reflected by higher occupancy rates at hotels, mobile home parks, and multi-family units. These higher occupancy rates tended to raise the gross rents, which in turn inflated the market value of these properties.
11. The announcement by the Wal-Mart Corporation to build a new store in Ogallala by the interstate had an immediate upward impact on the commercial market in Ogallala.
12. Sale 2007-00025 was a foreclosure auction of an old gas station and land around the interstate exchange. This property was purchased by a commercial developer for \$975,000 in December of 2006. The assessed value for this property is \$579,915.
13. Sale 2007-00446 was the sale of a Wendy's franchise close to the interstate. The purchase price for this property was \$1,448,436. Upon verification, it was learned that here was a \$700,000 adjustment for franchise value and personal property which had not been reflected on the Form 521 filed pursuant to this transaction. A true and correct copy of such 521 is attached hereto and identified as Affidavit Exhibit 1.
14. The sample of sales in the Keith County commercial market is not reliable. Raising valuation group 1 by 6.39% would over-value a market which is still recovering from shattered expectations. As stated in the 2010 Report & Opinion for Keith County, the quality of assessment statistics demonstrate that the sample of sales in the commercial class of real property for Keith County is unreliable.
15. As the assessor for Keith County, I respectfully request that, based on the foregoing information, the Commission not order the adjustment which was suggested in its order to show cause.

FURTHERMORE AFFIANT SAYETH NOT.



Ruth A. Sorensen, Property Tax Administrator
Assessor for Keith County

County of Lancaster)
) ss.
State of Nebraska)

On this, the 10th day of May, 2010, before me, a Notary Public in and for the County of Lancaster, State of Nebraska, came an individual known to me as Ruth A. Sorensen, and signed the above affidavit, acknowledging such as her free and voluntary act and deed.

(Seal)



Francine Bash
Notary Public

Real Estate Transfer Statement

• Read instructions on reverse side

THE DEED WILL NOT BE RECORDED UNLESS THIS STATEMENT IS SIGNED AND LINES 1-25 ARE ACCURATELY COMPLETED

1 County Name Keith	2 County Number 51	3 Date of Sale Mo. 03 Day 15 Yr. 07	4 Date of Deed Mo. 03 Day 15 Yr. 07
5 Grantor's Name, Address, and Telephone (Please Print) Grantor's Name (Seller) Toukan Properties, L.L.C., Nebraska LLC Street or Other Mailing Address 1808 S. Locust City Grand Island State NE Zip Code 68801 Telephone Number (308) 384-7408		6 Grantee's Name, Address, and Telephone (Please Print) Grantee's Name (Buyer) Wendgrand Realty, L.L.C., Nebraska LLC Street or Other Mailing Address 1 Commercial Drive, Area E City Florida State NY Zip Code 10921 Telephone Number (845) 651-1880	

7 PROPERTY CLASSIFICATION NUMBER. Check one box in categories A and B. Check C also if property is mobile home.

(A) Status	(B) Property Type				(C)	
(1) <input checked="" type="checkbox"/> Improved	(1) <input type="checkbox"/> Single Family	(4) <input type="checkbox"/> Industrial	(6) <input type="checkbox"/> Recreational	(8) <input type="checkbox"/> Mineral Interests-Producing	(9) <input type="checkbox"/> State Assessed	(1) <input type="checkbox"/> Mobile Home
(2) <input type="checkbox"/> Unimproved	(2) <input type="checkbox"/> Multi-Family	(5) <input type="checkbox"/> Agricultural	(7) <input type="checkbox"/> Mineral Interests-Nonproducing	(10) <input type="checkbox"/> Exempt		
(3) <input type="checkbox"/> IOLL	(3) <input checked="" type="checkbox"/> Commercial					

8 Type of Deed

<input checked="" type="checkbox"/> Warranty	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Executor	<input type="checkbox"/> Mineral	<input type="checkbox"/> Cemetery
<input type="checkbox"/> Quit Claim	<input type="checkbox"/> Conservator	<input type="checkbox"/> Partition	<input type="checkbox"/> Trust	<input type="checkbox"/> Other

10 Type of Transfer

Sale Auction Gift Exchange Foreclosure Satisfaction of Contract Life Estate Other (explain) _____

11 Ownership Transferred in Full (If No, explain division) YES NO

12 Was real estate purchased for same use? (If No, state intended use) YES NO

13 Was sale between relatives? (If Yes, check appropriate box)

YES NO

Spouse Parents and Child Family Corporation or Partnership

Grandparents and Grandchild Brothers and Sisters Aunt or Uncle to Niece or Nephew Other _____

14 If the real estate was transferred for nominal consideration, what is the current market value? N/A

15 Was mortgage assumed? If Yes, state amount and interest rate. YES NO \$ _____ %

16 Does this conveyance divide a current parcel of land? YES NO

17 Was sale through a real estate agent? (If Yes, name of agent) YES NO

18 Address of Property Hwy.28 and I-80 Ogallala, NE	19 Name and Address of Person to Whom Tax Statement Should be Sent Wendgrand Realty, LLC 1 Commercial Drive, Area E Florida, NY 10921
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20 Legal Description
Lot One (1), Wendy's Plaza, a subdivision of the City of Ogallala, Keith County, Nebraska, except that tract taken by the State of Nebraska for Highway as shown on Return of Appraisers recorded in Book 75, Page 44 of the Miscellaneous Records of Keith County, Nebraska

21 If agricultural, list total number of acres _____

22 Total purchase price, including any liabilities assumed	22	\$	1,448,436	00
23 Was nonreal property included in purchase? <input type="checkbox"/> YES <input type="checkbox"/> NO (if Yes, enter amount and attach itemized list)	23	\$		
24 Adjusted purchase price paid for real estate (line 22 minus line 23)	24	\$	1,448,436	00

Under penalties of law, I declare that I have examined this statement and that it is, to the best of my knowledge and belief, true and correct, and that I am duly authorized to sign this statement.

25 **sign here** Wendgrand Realty, LLC 845-651-1880
Print or Type Name of Grantee or Authorized Representative Telephone Number

Manager 3/15/07
Signature of Grantee or Authorized Representative Date

REGISTER OF DEEDS' USE ONLY			FOR NDR USE ONLY
26 Date Deed Recorded Mo. 3 Day 16 Yr. 07	27 Value of Stamp or Exempt Number \$ 3260.25	28 Deed Book 2007	29 Deed Page 00446
			30