

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

ROSE M NELSON
APPELLANT,

V.

MORRILL COUNTY BOARD
OF EQUALIZATION, JON
STEFFEN
APPELLEES.

CASE NOS: 24R 0613, 24R
0614, 24R 0615, 24R 0616, 24R
0617, 24R 0618, 24R 0619

DECISION AND ORDER
REVERSING THE DECISIONS
OF THE MORRILL COUNTY
BOARD OF EQUALIZATION

I. BACKGROUND

1. The Subject Properties consist of seven vacant residential lots in Morrill County, described as follows:

Case No.	PID	Description	Size
24R 0613	100021039	Lot 10 Blk 14 5 th Add	7,000 SF
24R 0614	100021020	Lots 11-12 Blk 14 5 th Add	14,000 SF
24R 0615	100021012	Lot 9 Blk 14 5 th Add	7,000 SF
24R 0616	100021004	Lot 8 Blk 14 5 th Add	7,000 SF
24R 0617	100020997	Lot 7 Blk 14 5 th Add	7,000 SF
24R 0618	100021128	Lot 9 Blk 15 5 th Add	7,000 SF
24R 0619	100021101	Lot 8 Blk 15 5 th Add	7,000 SF

2. The Morrill County Assessor (the County Assessor) assessed the Subject Properties for 2024 as follows:

Case No.	PID	Description	Assessed Value
24R 0613	100021039	Lot 10 Blk 14 5 th Add	\$ 8,050
24R 0614	100021020	Lots 11-12 Blk 14 5 th Add	\$ 16,100
24R 0615	100021012	Lot 9 Blk 14 5 th Add	\$ 8,050
24R 0616	100021004	Lot 8 Blk 14 5 th Add	\$ 8,050
24R 0617	100020997	Lot 7 Blk 14 5 th Add	\$ 8,050
24R 0618	100021128	Lot 9 Blk 15 5 th Add	\$ 8,050

24R 0619	100021101	Lot 8 Blk 15 5th Add	\$ 8,050
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3. Jon Steffen (the Taxpayer) protested these values to the Morrill County Board of Equalization (the County Board) for tax year 2024 and requested the following values:

Case No.	PID	Description	Requested Value
24R 0613	100021039	Lot 10 Blk 14 5th Add	\$ 1,120
24R 0614	100021020	Lots 11-12 Blk 14 5th Add	\$ 2,240
24R 0615	100021012	Lot 9 Blk 14 5th Add	\$ 1,120
24R 0616	100021004	Lot 8 Blk 14 5th Add	\$ 1,120
24R 0617	100020997	Lot 7 Blk 14 5th Add	\$ 1,120
24R 0618	100021128	Lot 9 Blk 15 5th Add	\$ 3,220
24R 0619	100021101	Lot 8 Blk 15 5th Add	\$ 1,120

4. The County Board determined that the taxable value of the Subject Properties for tax year 2024 was as follows:

Case No.	PID	Description	Taxable Value
24R 0613	100021039	Lot 10 Blk 14 5th Add	\$ 1,120
24R 0614	100021020	Lots 11-12 Blk 14 5th Add	\$ 2,240
24R 0615	100021012	Lot 9 Blk 14 5th Add	\$ 1,120
24R 0616	100021004	Lot 8 Blk 14 5th Add	\$ 1,120
24R 0617	100020997	Lot 7 Blk 14 5th Add	\$ 1,120
24R 0618	100021128	Lot 9 Blk 15 5th Add	\$ 3,220
24R 0619	100021101	Lot 8 Blk 15 5th Add	\$ 1,120

5. The County Assessor appealed the determination of the County Board to the Tax Equalization and Review Commission (the Commission).
6. A Single Commissioner hearing was held on October 3, 2025, at Fairfield Inn and Suites by Marriott, 902 Winter Creek Drive, Scottsbluff, NE 69361, before Commissioner Jackie S. Russell.
7. Robert Brenner, Attorney, and Rose M. Nelson, County Assessor, were present at the hearing for the Appellant.
8. Kirk Fellhoelter, County Attorney, was present for the County Board.

9. The Taxpayer was not present at the hearing.

II. APPLICABLE LAW

10. All real property in Nebraska subject to taxation shall be assessed as of the effective date of January 1.¹
11. The Commission's review of a determination of the County Board of Equalization is de novo.²
12. When the Commission considers an appeal of a decision of a county board of equalization, there are two burdens of proof.³
13. The first involves a presumption 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.⁴ 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.⁵
14. The second burden of proof requires that from that point forward, the reasonableness of the valuation fixed by the board of equalization becomes one of fact based upon all the evidence presented.⁶ The burden of showing such valuation to be

¹ Neb. Rev. Stat. § 77-1301(1) (Cum. Supp. 2022).

² See Neb. Rev. Stat. § 77-5016(8) (Reissue 2018), *Brenner v. Banner Cnty. 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 Cnty. Freeholder Bd.*, 276 Neb. 1009, 1019, 759 N.W.2d 464, 473 (2009).

³ *Pinnacle Enters., Inc. v. Sarpy Cty. Bd. of Equalization*, 320 Neb. 303, 309, ___ N.W.3d __ (2025). See also *Brenner*, 276 Neb. at 283, 753 N.W.2d at 811 (quoting *Ideal Basic Indus. v. Nuckolls Cty. Bd. of Equal.*, 231 Neb. 653, 654-55, 437 N.W.2d 501, 502 (1989)).

⁴ *Pinnacle Enters.*, 320 Neb. at 309, ___ N.W.3d at ___ (quoting *Cain v. Custer Cty. Bd. of Equal.*, 315 Neb. 809, 818, 1 N.W.3d 512, 521 (2024)). See also *Brenner*, 276 Neb. at 283, 753 N.W.2d at 811 (quoting *Ideal Basic Indus.*, 231 Neb. at 654-55, 437 N.W.2d at 502).

⁵ *Pinnacle Enters.*, 320 Neb. at 309, ___ N.W.3d at ___.

⁶ *Id.* See also *Brenner*, 276 Neb. at 283-84, 753 N.W.2d at 811.

unreasonable rests upon the taxpayer on appeal from the action of the board.⁷

15. 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.⁸ Proof that the order, decision, determination, or action was unreasonable or arbitrary must be made by clear and convincing evidence.⁹
16. The Taxpayer must introduce competent evidence of actual value of the Subject Property in order to successfully claim that the Subject Property is overvalued.¹⁰ 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.¹¹
17. 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.¹² The Commission may consider all questions necessary to determine taxable value of property as it hears an appeal or cross appeal.¹³ 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

⁷ *Pinnacle Enters.*, 320 Neb. at 309, ___ N.W.3d at ___. See also *Brenner*, 276 Neb. at 283-84, 753 N.W.2d at 811.

⁸ Neb. Rev. Stat. § 77-5016(9) (Reissue 2018).

⁹ *Pinnacle Enters.*, 320 Neb. at 309, ___ N.W.3d at ___; *Omaha Country Club v. Douglas County Bd. of Equal.*, 11 Neb. App. 171, 645 N.W.2d 821 (2002).

¹⁰ 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) abrogated on other grounds by *Potts v. Bd. of Equalization*, 213 Neb. 37, 328 N.W.2d 175 (1982); *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).

¹¹ *Wheatland Indus., LLC v. Perkins Cty. Bd. of Equalization*, 304 Neb. 638, 935 N.W.2d 764 (2019) (quoting *Bottorf v. Clay Cty. Bd. of Equal.*, 7 Neb. App. 162, 168, 580 N.W.2d 561, 566 (1998)).

¹² Neb. Rev. Stat. § 77-5016(8) (Reissue 2018).

¹³ *Id.*

evaluation of the evidence presented to it.¹⁴ The Commission's Decision and Order shall include findings of fact and conclusions of law.¹⁵

III. FINDINGS OF FACT & CONCLUSIONS OF LAW

18. The Subject Properties are residential vacant land parcels adjacent to one another running along the west side of Avenue D and just north of West 3rd Street in the town of Bayard, NE.
19. Ms. Nelson argued that the County Board arbitrarily and unreasonably reduced the value of each vacant lot creating disequalization within the corresponding neighborhood.
20. The Form 422 provided to the County Board by the Taxpayer for all properties states that the lots reside in a blighted area. No additional evidence was provided to the Commission to substantiate this claim. Ms. Nelson attested that she had no record that the land was classified as blighted.
21. “[T]he County Board need not put on any evidence to support its valuation of the property at issue unless the [appellant] establishes the Board's valuation was unreasonable or arbitrary.”¹⁶
22. Ms. Nelson stated there was a revaluation conducted to the Subject Properties' neighborhood for 2024 and provided documentation showing uniformity in the application of the results. The increases (or decreases) to each lot in the market study area were dependent upon the property size, a land to building residual study, an assessment to sales ratio analysis, along with a comparable sales study within the study period of October 1, 2021, through September 30, 2023.¹⁷

¹⁴ Neb. Rev. Stat. § 77-5016(6) (Reissue 2018).

¹⁵ Neb. Rev. Stat. § 77-5018(1) (Reissue 2018).

¹⁶ *Wheatland Indus. v. Perkins Cty. Bd. of Equal.*, 304 Neb. 638, 647, 935 N.W.2d 764, 771 (2019). See also *Pinnacle Enters.*, 320 Neb. 303, 311, ___ N.W.3d ___ (2025).

¹⁷ 350 Neb. Admin. Code, ch. 17, § 003.05A (7/5/2017).

23. The results of the land study affecting the Subject Properties concluded that all lots totaling 15,000 SF or less land area are to be valued at \$1.15 per square foot.

24. Supportive materials from Ms. Nelson included an equalization study, Property Record Files (PRFs) of the parcels discussed at hearing, and the 2024 Reports and Opinions of the Property Tax Administrator.

25. The Commission finds that based on the supportive materials, Ms. Nelson followed appraisal standards in the creation and application of the 2024 lot value revaluation to the Subject Properties and their surrounding neighborhood.

26. The Appellant has produced sufficient competent evidence that the County Board failed to faithfully perform its duties and to act on sufficient competent evidence to justify its actions.

27. The Appellant has adduced clear and convincing evidence that the determination of the County Board is arbitrary or unreasonable and the decision of the County Board should be vacated.

IV. ORDER

IT IS ORDERED THAT:

1. The decision of the County Board of Equalization determining the taxable value of the Subject Properties for tax year 2024 is vacated and reversed.
2. The taxable value of the Subject Properties for tax year 2024 is as follows:

Case No.	PID	Description	2024 Taxable Value
24R 0613	100021039	Lot 10 Blk 14 5th Add	\$ 8,050
24R 0614	100021020	Lots 11-12 Blk 14 5th Add	\$ 16,100
24R 0615	100021012	Lot 9 Blk 14 5th Add	\$ 8,050
24R 0616	100021004	Lot 8 Blk 14 5th Add	\$ 8,050
24R 0617	100020997	Lot 7 Blk 14 5th Add	\$ 8,050
24R 0618	100021128	Lot 9 Blk 15 5th Add	\$ 8,050

24R 0619	100021101	Lot 8 Blk 15 5th Add	\$ 8,050
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3. This Decision and Order, if no further action is taken, shall be certified to the Morrill County Treasurer and the Morrill County Assessor, pursuant to Neb. Rev. Stat. § 77-5018.
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 year 2024.
7. This Decision and Order is effective on January 16, 2026.

Signed and Sealed: January 16, 2026



Jackie S. Russell, Commissioner