

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

JEFFREY J. KROBOT
APPELLANT,

V.

DOUGLAS COUNTY BOARD
OF EQUALIZATION,
APPELLEE.

CASE NO: 24R 1450

DECISION AND ORDER
REVERSING THE DECISION
OF THE DOUGLAS COUNTY
BOARD OF EQUALIZATION

I. BACKGROUND

1. The Subject Property is an improved residential parcel in Douglas County, parcel number 2532251352.
2. The Douglas County Assessor (the County Assessor) assessed the Subject Property at \$498,800 for tax year 2024.
3. Jeffrey J. Krobot (the Taxpayer) protested this value to the Douglas County Board of Equalization (the County Board).
4. The County Board determined that the taxable value of the Subject Property was \$498,800 for tax year 2024.
5. The Taxpayer appealed the determination of the County Board to the Tax Equalization and Review Commission (the Commission).
6. A Single Commissioner hearing was held on November 6, 2025, at the Tax Equalization and Review Commission Hearing Room, Nebraska State Office Building, Lincoln, Nebraska, before Commissioner Jackie Russell.
7. Jeff Krobot was present at the hearing for the Taxpayer.
8. Tim Tran (Appraiser) was present for the County Board.

II. APPLICABLE LAW

9. All real property in Nebraska subject to taxation shall be assessed as of the effective date of January 1.¹
10. The Commission's review of a determination of the County Board of Equalization is de novo.²
11. When the Commission considers an appeal of a decision of a county board of equalization, there are two burdens of proof.³
12. 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
13. 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 unreasonable rests upon the taxpayer on appeal from the action of the board.⁷
14. The order, decision, determination or action appealed from shall

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 Cty. 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.

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.

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

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

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.*

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

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

III. FINDINGS OF FACT & CONCLUSIONS OF LAW

17. The Subject Property is two-story, single-family home in the Whitehawk subdivision built in 2016 with above grade area of 2,516 square feet (SF), basement area of 1,320 SF of which 1,029 SF is fully finished. There are three full and one-half baths, one fireplace, and a built-in garage with 1,169 SF. The overall quality and condition ratings are good.
18. The Taxpayer argued that changes within the Subject Property neighborhood were arbitrary and unreasonably applied for the 2024 tax year stating that the Subject Property received the highest increase at 33.98%, while a comparable property located at 19725 Orchard Ave received no change in value.
19. All real property, other than agricultural land and horticultural land, is valued at 100% of its actual value.¹⁶
20. Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade. 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 section 77-1371, (2) income approach, and (3) cost approach.¹⁷
21. The Taxpayer provided two spreadsheets for the Commission to consider. One shows the 2024 property valuations and increases over 2023 valuation for six two-story properties located on the Subject Property's street. The second is of comparable two-story homes in Whitehawk subdivision including some descriptive components, and components of contributory value for a comparison.
22. The Taxpayer provided five Property Record Files (PRFs) from the list of properties discussed on the spreadsheets. One PRF was for 19725 Orchard Ave which did not receive an adjustment from its 2023 value for the 2024 tax year. The Orchard Ave

¹⁶ 350 Neb. Admin. Code ch. 10, § 003.01A (10/2014).

¹⁷ Neb. Rev. Stat. § 77-112 (Reissue 2018).

property appears to be comparable to the Subject Property but has a few differing components of contributory value. These differences include being older (year built of 2014), having less square footage (2,453 SF), a smaller basement (1,184 SF), an unfinished basement, one less full bath, a smaller garage (816 SF), and the addition of a 750 SF in-ground swimming pool. These differences warrant an analysis of adjustments using a sales comparison approach to value.

23. Comparable properties share similar use (residential, commercial/industrial, or agricultural), physical characteristics (style, size, finish, condition, etc.), and location.¹⁸
24. “A sales comparison adjustment is made to account (in dollars or a percentage) for a specific difference between the subject property and a comparable property. As the comparable is made more like the subject, its price is brought closer to the subject’s unknown value.”¹⁹
25. The PRF for the Orchard Ave property indicates on page 8 of 9 a similar Replacement Cost New Less Depreciation (RCNLD) to the Subject Property based on the cost approach and components of contributory value. The RCNLD of Orchard Ave is \$442,557 and for the Subject Property is \$456,283. Based on professionally accepted mass appraisal methods, these two properties are uniformly appraised according to their indicated cost analyses in their PRFs and the RCNLD totals, however, the Orchard Ave property then displays an Improvement Value of \$370,000 under the heading of “Improvement Attribute Adjustments” which is equivalent to the 2023 improvement value according to page 9 of 9.
26. The Appraiser stated there was a revaluation conducted to the Subject Property neighborhood for 2024. The increases (or decreases) to each property in the market study area were

¹⁸ International Association of Assessing Officers. *Property Assessment Valuation* 169-79 (3rd ed. 2010).

¹⁹ Appraisal Institute, *Appraising Residential Properties* 334 (4th ed. 2007).

dependent upon the property data components and comparable sales within the study period of 10/1/2021-9/30/2023.²⁰

27. The Appraiser provided a packet of information for the Subject Property including the PRF. The information details the Subject Property's components of contributory value, the subsequent cost approach to value, sales from the Subject Property neighborhood, and the impact of the market sales data on the property's valuation using professionally accepted mass appraisal practices.
28. The Appraiser stated that the Orchard Ave property was subject to a reduced valuation by action of the Douglas County Board of Equalization in a 2023 protest hearing. It is then the practice of the Assessor's office to freeze the Board's set value for two subsequent calendar years.
29. The assessed value for real property may be different from year to year according to the circumstances.²¹ For this reason, a prior year's assessment is not relevant to the subsequent year's valuation.²² Similarly, prior assessments of other properties are not relevant to the subsequent assessment.²³
30. "The Tax Commissioner shall adopt and promulgate rules and regulations to establish standards for the appraisal of classes or subclasses of real property in a county. The standards established shall require that the appraisal shall be based upon the use of manuals developed pursuant to section 77-1330 and shall arrive at a determination of taxable value on a consistent basis in accordance with the methods prescribed in sections 77-112 and 77-201."²⁴

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

²¹ *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).

²² *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).

²³ *Kohl's Dep't Stores v. Douglas Cty. Bd. of Equal.*, 10 Neb. App. 809, 814-15, 638 N.W.2d 877, 881 (2002).

²⁴ Neb. Rev. Stat. § 77-1301.01 (Reissue 2018).

31. "The Property Tax Administrator and Tax Commissioner shall prepare, issue, and annually revise guides for county assessors in the form of property tax laws, rules, regulations, manuals, and directives."²⁵
32. "Every county assessor will use all manuals issued by the Property Tax Administrator and the Tax Commissioner as a basis for the performance of his or her duties. Classifications or assessment methods included in any manual will be used as a basis for the assessment of all real property uniformly throughout each county. Unless otherwise provided by law, no deviation from the classifications or assessment methods is allowed, unless the deviation is necessary for compliance with the laws of the state or regulations promulgated by the Property Tax Administrator and the Tax Commissioner. Thorough documentation of each deviation, clearly stating the reasons for the deviation, must be included in the property record file of the parcel in question."²⁶
33. The PRFs provided indicate that the Orchard Ave property improvement value after the revaluation of the assessment model resulted in a price per square foot (PPSF) of \$180.41.²⁷ Although comparable to the Subject Property, the Orchard Ave property did not receive a uniform or proportionate valuation change based on the revaluation for 2024 by purpose of the County Assessor. The resulting value of the Orchard Ave property was an improvement PPSF of \$150.84²⁸, while the Subject Property's improvement PPSF resulted in \$181.36.²⁹
34. 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.³⁰ Taxpayers are entitled to have their property assessed

²⁵ Neb. Rev. Stat. § 77-1330(1) (Reissue 2018).

²⁶ 350 Neb. Admin. Code ch. 10 § 004.01 (10/2014).

²⁷ RCNLD \$442,557/2453 SF = \$180.41 PPSF

²⁸ Imp. Attribute Adj. \$370,000/2453 SF = \$150.84 PPSF

²⁹ RCNLD \$456,300/2516 SF = \$181.36 PPSF

³⁰ *Banner County v. State Bd. of Equal.*, 226 Neb. 236, 411 N.W.2d 35 (1987).

uniformly and proportionately, even though the result may be that it is assessed at less than the actual value.³¹

35. 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.”³²

36. The Commission finds, based on the information provided, there is no basis in law for the practice of the Douglas County Assessor’s office to freeze valuations as set in previous years’ protest proceedings by their Board of Equalization. In turn, this creates a lack of equalization and uniformity in the revaluation methodology used in the Whitehawk subdivision and the Commission finds that the Subject Property value should be reversed.

37. The Commission finds that the Orchard Ave property’s 2024 RCNLD PPSF compared to the 2023 frozen value PPSF is 83.6% of 2024’s PPSF value.³³

38. The Commission finds that the equalized PPSF of the Subject Property is \$151.61 and in turn, the 2024 total valuation is \$423,950.³⁴

39. The Taxpayer 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.

40. The Taxpayer 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.

³¹ *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).

³² *Scribante v. Douglas County Board of Equalization*, 8 Neb. App. 25, 39, 588 N.W.2d 190, 199 (1999).

³³ $\$370,000 / \$442,557 = 0.836$ or 83.6%

³⁴ PPSF = $\$181.36 * .836 = \151.62

RCNLD = $(2516 \text{ SF} * \$151.62 \text{ PPSF}) = \$381,475$

$\$381,475 + \$42,500 \text{ Land value PRF at pg 2} = \$423,975$

IV. ORDER

IT IS ORDERED THAT:

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

Land	\$ 42,500
<u>Improvements</u>	<u>\$381,475</u>
Total	\$423,975

3. This Decision and Order, if no further action is taken, shall be certified to the Douglas County Treasurer and the Douglas 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 20, 2026.

Signed and Sealed: January 20, 2026



Jackie S. Russell, Commissioner