BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION

CEDAR LODGE INC.
APPELLANT,

v.

CASS COUNTY BOARD OF EQUALIZATION,
APPELLEE.

CASE NOS: 25R 0287, 25R 0288, 25R 0289

DECISION AND ORDER AFFIRMING THE DECISION OF THE CASS COUNTY BOARD OF EQUALIZATION

I. BACKGROUND

1. The Subject Properties consist of residential land in Cass County, parcel numbers 130139335, 130127779, and 130127809.
2. The Cass County Assessor (the County Assessor) assessed the Subject Properties for tax year 2025 as follows:

Case No.	PID	Assessed Value
25R 0287	130139335	$818,000
25R 0288	130127779	$274,135
25R 0289	130127809	$51,210

3. Cedar Lodge Inc. (the Taxpayer) protested these values to the Cass County Board of Equalization (the County Board) and requested assessed values for tax year 2025 as follows:

Case No.	PID	Requested Value
25R 0287	130139335	$455,000
25R 0288	130127779	$157,263
25R 0289	130127809	$31,901

4. The County Board determined that the taxable value of the Subject Properties for tax year 2025 were as follows:

Case No.	PID	Taxable Value
25R 0287	130139335	$693,280
25R 0288	130127779	$242,405
25R 0289	130127809	$51,210

5. The Taxpayer appealed the determinations of the County Board to the Tax Equalization and Review Commission (the Commission).
6. A Single Commissioner hearing was held on August 5, 2026, at the Tax Equalization and Review Commission Hearing Room, 500 S. 16th Street, Lincoln, Nebraska, before Commissioner Jackie S. Russell.
7. Rob Kaipust and Daniel Huebner were present at the hearing for the Taxpayer.
8. Tom Brantley (County Attorney), Sasha Frye (Assessor), and Dana Long (Appraiser) were 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]

[1] Neb. Rev. Stat. § 77-1301(1) (Cum. Supp. 2024).
[2] See Neb. Rev. Stat. § 77-5016(8) (Reissue 2018), *Brenner v. Banner Cty. 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).

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 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

---

[3] *Pinnacle Enters., Inc. v. Sarpy Cty. Bd. of Equalization*, 320 Neb. 303, 309, 27 N.W.3d 1, 6 (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, 27 N.W.3d at 6 (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, 27 N.W.3d at 6.
[6] *Id.* See also *Brenner*, 276 Neb. at 283-84, 753 N.W.2d at 811.
[7] *Pinnacle Enters.*, 320 Neb. at 309, 27 N.W.3d at 6. 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, 27 N.W.3d at 6; *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*

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]

III. FINDINGS OF FACT & CONCLUSIONS OF LAW

17. The Subject Properties are parcels of land surrounding a lake and adjacent to the Platte River referred to as Cedar Lodge in Cass County.
18. Parcel 130139335 is 81 acres and parcel 130127779 is 28 acres. Both of these parcels have portions of land around the lake divided into lots to be leased to improvement owners, creating Improvement on Leased Land agreements (IOLL).
19. Parcel 130127809 is 5.68 acres of primarily tree covered land with no IOLL agreements.

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) (Cum. Supp. 2024).

20. The Taxpayer argued that the valuation of the land is disequalized with the valuation of the land at other leased lake property in Cass County, creating an arbitrary and unreasonable value.
21. The Taxpayers presented several properties adjacent to other lakes in Cass County for consideration of equalization to the Subject Properties.
22. The Assessor stated that each lake in Cass County has a separate valuation process based on a market analysis of each lake area which is used to set valuations for just that particular lake's properties.
23. The Assessor stated that Cedar Lodge is unique compared to all other lake properties in the county because the leasehold interest in each leased lot is included with the Subject Properties' values rather than with the individual IOLLs they contain. This is due to lack of information from the lease contracts for properties at Cedar Lodge in order to properly apply leasehold value to the IOLL parcels.
24. The Assessor stated that there was a revaluation for the 2025 assessment value based on an assessment-to-sales ratio analysis. The Assessor stated the analysis resulted in a 15% increase to the land value of the Subject Properties.
25. "A primary tool for measuring the ratio of assessment to actual value is the assessment-to-sales ratio. This ratio is calculated by dividing a parcel of property's assessed value by the sales price of that parcel of property."[16]
26. "[U]sing this ratio and using the median as the indicator of central tendency for a class or subclass of property, the median assessment-to-sales ratio would need to fall between 92 and 100 percent to be within the acceptable range."[17]

---

[16] *County of Douglas v. Nebraska Tax Equal. & Rev. Comm'n*, 296 Neb. 501, 509, 894 N.W.2d 308, 314 (2017) (citing 442 Neb. Admin. Code, ch. 9, § 002.02 (2011)).
[17] *County of Douglas v. Nebraska Tax Equal. & Rev. Comm'n*, 296 Neb. 501, 509, 894 N.W.2d 308, 314 (2017).

27. Such studies may also be used by assessing officials in establishing assessed valuations.[18]
28. The Taxpayers argued that the Subject Properties received more than a 15% increase from the 2024 assessment value.
29. The Assessor stated that the Subject Properties' valuations were comprised of a 15% increase for the 2025 tax year and spot codes for each parcel to bring the three parcels to a combined parcel total, based on the price per acre value of the Subject Properties' market.
30. The Assessor stated that the initial assessed values for Subject Properties 130139335 and 130127779 had calculation errors at the time of the County Board's protest hearings which were corrected at hearing resulting in a reduction in value.
31. The Commission's review of the Property Record Files (PRFs) submitted are inconclusive as to how the 2025 valuations for the Subject Properties were derived based on information provided at hearing and the information included on the PRFs. The resulting valuations for the Subject Properties do not equate to a 15% increase over the 2024 taxable value shown on the PRFs.
32. Where the record contains cryptic information without explanation, and no explanation of this cryptic information is provided by the document or later testimony to explain the significance of this information, the information is worthless.[19]
33. While the Assessor's information on the PRFs is not transparent in totality for how the valuations of the Subject Properties were determined, the burden is still on the Taxpayer to demonstrate that those values were not equalized with other comparable properties.
34. The assessed value of the land component of the Subject Properties is the total value of the land, both the value of leasehold interest and the value of the leased fee interest in the property.

[18] Neb. Rev. Stat. §77-1327(3) (Reissue 2018).
[19] *Kawasaki Motors v. Lancaster Cty. Bd. of Equal.*, 7 Neb. App. 655, 658, 584 N.W.2d 63, 66 (1998).

35. The Taxpayer did not present information to show the total value of the comparable land (the value of the leasehold interest and the value of the leased fee interest in the property) for properties presented to demonstrate the lack of equalization.
36. Comparable properties share similar use (residential, commercial/industrial, or agricultural), physical characteristics (style, size, finish, condition, etc.), and location.[20]
37. For the reasons discussed, the information provided by the Taxpayer does not demonstrate a comparison between the assessed value of the comparable properties to the assessed value of the Subject Properties since the leasehold interest is being applied differently in the value calculations of each.
38. A taxpayer must present evidence that establishes the actual value of the property and evidence that the property was not fairly and proportionately assessed with other property in the county.[21]
39. Taxpayer must introduce competent evidence of actual value of its property in order to successfully claim that a property is overvalued.[22]
40. The Taxpayer has not 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.
41. The Taxpayer has not adduced clear and convincing evidence that the determinations of the County Board are arbitrary or unreasonable and the decisions of the County Board should be affirmed.

IV. ORDER

IT IS ORDERED THAT:

---

[20] *Property Assessment Valuation*, at 169-79 (3rd ed. 2010).
[21] *Future Motels, Inc. v. Custer Cty. Bd. of Equal.*, 252 Neb. 565, 570, 563 N.W.2d 785, 789 (1997); *Beynon v. Board of Equalization*, 213 Neb. 488, 329 N.W.2d 857 (1983).
[22] *Appeal of Newman*, 167 Neb. 66, 672-73, 94 N.W.2d 47, 50-51 (1959) (citing *Le Dioyt v. Cty. of Keith*, 161 Neb. 615, 74 N.W.2d 455 (1956)).

1. The decisions of the County Board of Equalization determining the taxable value of the Subject Property for tax year 2025 are affirmed.
2. The taxable value of the Subject Properties for tax year 2025 are as follows:

Case Nos	**PID**	**2025 Taxable Value**
25R 0287	130139335	$693,280
25R 0288	130127779	$242,405
25R 0289	130127809	$51,210

3. This Decision and Order, if no further action is taken, shall be certified to the Cass County Treasurer and the Cass 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 2025.
7. This Decision and Order is effective on September 23, 2026.

SIGNED AND SEALED: September 23, 2026.

SEAL

Jackie S. Russell, Commissioner