BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION

LANE & AMY NELSON APPELLANT, v. SAUNDERS COUNTY BOARD OF EQUALIZATION, APPELLEE.	CASE NO: 25R 0293 DECISION AND ORDER AFFIRMING THE DECISION OF THE SAUNDERS COUNTY BOARD OF EQUALIZATION

I. BACKGROUND

1. The Subject Property is an improved residential parcel in Saunders County, parcel number 001852501.
2. The Saunders County Assessor (the County Assessor) assessed the Subject Property at $225,333 for tax year 2025.
3. Lane & Amy Nelson (the Taxpayer) protested this value to the Saunders County Board of Equalization (the County Board) and requested an assessed value of $82,266 for tax year 2025.
4. The County Board determined that the taxable value of the Subject Property was $220,889 for tax year 2025.
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 October 14, 2026, at the Tax Equalization and Review Commission Hearing Room, 500 S. 16th Street, Lincoln, Nebraska, before Commissioner Jackie S. Russell.
7. Lane and Amy Nelson were present at the hearing for the Taxpayer.
8. Richard Register (County Attorney) and Rhonda Andresen (Assessor) 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]
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]

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[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).
[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.

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 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]

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[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 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).

III. FINDINGS OF FACT & CONCLUSIONS OF LAW

17. The Subject Property is a one and one-half story, single-family home built in 1895 with 1,470 square feet (SF) above grade with no basement. There is one bathroom, three detached garages, and one carport. The overall quality (grade) rating is "4+5" and the condition ratings is "BL NML." Additional outbuildings include a pole barn, and three sheds all listed in "NML" condition.
18. The Taxpayer argued that the Subject Property's valuation is arbitrary and unreasonable based on equalization with two comparable properties submitted for the Commission to review.
19. The Taxpayer provided two Property Record Files (PRFs) for the Commission to review. One property located at 1381 County Road G, Ithaca (Road G), and the other located at 758 Dech, Ithaca, (Dech).
20. The Assessor argued that the Dech property would not be considered as comparable to the Subject Property due to the location in a different map area neighborhood and therefore, not on the same valuation model as the Subject Property and the Road G property.
21. The Commission must look to the value of the Subject Property as of January 1 of each tax year.[16]
22. All real property, other than agricultural land and horticultural land, is valued at 100% of its actual value. [17]
23. A determination of actual value may be made by using professionally accepted mass appraisal methods.[18] The methods expressly stated in statute are the sales comparison approach, the income approach, and the cost approach.[19]

[16] Neb. Rev. Stat §77-1301(Cum. Supp. 2022)
[17] Title 350 Neb. Admin. Code, ch.10 § 003.01A (10/2014).
[18] Neb. Rev. Stat. § 77-112 (Reissue 2018).
[19] *Id.*

24. Comparable sales are recent sales of properties that are similar to the property being assessed in significant physical, functional, and location characteristics and in their contribution to value.[20]
25. When comparing physical characteristics of like properties, if the comparable property is inferior in some respect, the sale price is adjusted upward, just as if it is superior, it will be adjusted downward.[21]
26. The Commission's review of the Road G and Dech properties find that the property characteristics included on the PRFs differ in manners that would require comparison adjustments. The Road G property would require adjustments for the grade and condition ratings, as well as the differences in garages and outbuildings. The Dech property would require adjustments related to the location, grade and condition ratings, basement area, and differences in garages and outbuildings.
27. The Taxpayer did not provide sufficient information to show how the Dech property's location has a similar market reaction when determining comparability. Therefore, any analysis would require a locational adjustment in a sales comparison approach to value for inferiority or superiority to the Subject Property's location.
28. The Taxpayer did not provide information to account for the difference in property characteristics between the Subject Property and the comparable properties using professionally acceptable mass appraisal practices.
29. The Taxpayer argued the Subject Property's value is arbitrary or unreasonable due to the inability to secure property insurance on some of the improvements located on the property.
30. The Taxpayer provided a document titled "Request For Insurance of Policy Subject to Restriction in Coverage" which labels two sheds, a firewood storage building, and a garage as uninsurable by Auto-Owners Insurance Company. The

[20] Neb. Rev. Stat. § 77-1371 (Reissue 2018).
[21] International Association of Assessing Officers, *Property Assessment Valuation* 105 (3rd ed. 2010)

document does not state the reasoning behind the exclusion of the buildings to the policy, nor a value associated with each structure, but shows an inception date of 4/1/2025 and effective date of endorsement of 4/11/2025.

31. The Commission finds that the document does not constitute sufficient evidence that the outbuildings excluded in the document from insurance coverage have condition ratings or values that are arbitrary or unreasonable for tax year 2025.
32. The Taxpayer has not produced competent evidence that the County Board failed to faithfully perform its duties and to act on sufficient competent evidence to justify its actions.
33. The Taxpayer has not 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 affirmed.

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 2025 is affirmed.
2. The taxable value of the Subject Property for tax year 2025 is:

Land	$ 52,280
Improvements	$168,609
Total	$220,889

3. This Decision and Order, if no further action is taken, shall be certified to the Saunders County Treasurer and the Saunders 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 November 10, 2026.

SIGNED AND SEALED: November 10, 2026.

SEAL



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Jackie S. Russell, Commissioner