

**NEBRASKA TAX EQUALIZATION
AND REVIEW COMMISSION**

WORLD TECHNOLOGIES,)	
)	
Appellant,)	CASE NO 08P 002
)	
v.)	DECISION AND ORDER
)	AFFIRMING THE DECISION OF THE
SARPY COUNTY BOARD OF)	SARPY COUNTY BOARD OF
EQUALIZATION,)	EQUALIZATION
)	
Appellee.)	
)	DEFAULT JUDGMENT

The above-captioned case was called for a hearing on the merits of an appeal by World Technologies ("the Taxpayer") to the Tax Equalization and Review Commission ("the Commission"). The hearing was held in the Commission's Hearing Room on the sixth floor of the Nebraska State Office Building in the City of Lincoln, Lancaster County, Nebraska, on February 1, 2010, pursuant to a Notice and Order for Hearing issued December 1, 2009. Commissioners Wickersham, Salmon, and Hotz were present. Commissioner Wickersham was the presiding hearing officer. Commissioner Warnes was excused from participation by the presiding hearing officer.

The Taxpayer did not appear as directed by the Commission's order for hearing. No one appeared as legal counsel for the Taxpayer.

Kerry A. Schmid, a Deputy County Attorney for Sarpy County, Nebraska appeared by telephone, as legal counsel for the Sarpy County Board of Equalization ("the County Board").

The Commission took statutory notice and received exhibits as provided by the parties.

The County Board moved for a default judgment.

The Commission is required by Neb. Rev. Stat. §77-5018 (Cum. Supp. 2008) to state its final decision concerning an appeal, with findings of fact and conclusions of law, on the record or in writing. The final decision and order of the Commission in this case is as follows.

**I.
FINDINGS**

The Commission finds and determines that:

1. The ("the Subject Property") in this appeal is personal property as described in Exhibit 4.
2. An appeal was filed with the Commission.
3. The County Board was served with a Notice in Lieu of Summons and duly answered that Notice.
4. An Order for Hearing and Notice of Hearing issued on December 1, 2009, set a hearing of the Taxpayer's appeal for February 1, 2010, at 10:00 a.m. CST.
5. An Affidavit of Service, which appears in the records of the Commission, establishes that a copy of the Order for Hearing and Notice of Hearing was served on all parties. (Case File).
6. Each of the parties has been afforded an opportunity to present evidence and argument as provided by Neb. Rev. Stat. §77-5015 (Cum. Supp. 2008).
7. The Taxpayer failed to file any exhibits with the Commission.
8. The Taxpayer failed to appear at the hearing.
9. The Order for Hearing and Notice of Hearing issued by the Commission states in Paragraph 2 that if the Taxpayer fails to appear at the hearing, the Commission may enter an order dismissing the Appeal.

10. The County Board moved for an order of default judgment.
11. The County Board's motion for an Order of Default Judgment should be granted.

**II.
CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over the parties to this appeal.
2. The Commission is authorized to enter default judgments by Neb. Rev. Stat. §77-5015 (Cum. Supp. 2008).

**III.
ORDER**

IT IS ORDERED THAT:

1. The motion of the County Board for a Default Judgment is granted.
2. Taxable value of the subject property and the penalty as determined by the County Assessor is affirmed.
2. This decision, if no appeal is timely filed, shall be certified to the Sarpy County Treasurer, and the Sarpy County Assessor, pursuant to Neb. Rev. Stat. §77-5018 (Cum. Supp. 2008).
3. Any request for relief, by any party, which is not specifically provided for by this order is denied.
4. Each party is to bear its own costs in this proceeding.
5. This decision shall only be applicable to tax year 2008.

6. This order is effective for purposes of appeal February 24, 2010.

Signed and Sealed. February 24, 2010.

Wm. R. Wickersham, Commissioner

Nancy J. Salmon, Commissioner

Robert W. Hotz, Commissioner

SEAL

APPEALS FROM DECISIONS OF THE COMMISSION MUST SATISFY THE REQUIREMENTS OF NEB. REV. STAT. §77-5019 (CUM. SUPP. 2008), OTHER PROVISIONS OF NEBRASKA STATUTES, AND COURT RULES.