

BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION

Patricia A. Noble,
Appellant,

v.

Nance County Board of Equalization,
Appellee.

Case No: 14A 001

Decision and Order Affirming the
Determination of the Nance County Board
of Equalization

The appeal was assigned to Commissioners Nancy J. Salmon and Robert W. Hotz.

I. THE SUBJECT PROPERTY

The Subject Property is a 57 acre parcel located in Nance County, Nebraska. The legal description of the Subject Property and the property record file for the Subject Property are found at Exhibit 2.

II. PROCEDURAL HISTORY

The Nance County Assessor (the County Assessor) determined that the assessed value of the Subject Property was \$254,805 for tax year 2014. Patricia A. Noble (the Taxpayer) protested this assessment to the Nance County Board of Equalization (the County Board) and requested an assessed valuation of \$117,525. The County Board determined that the taxable value for tax year 2014 was \$218,425.¹

The Taxpayer appealed the decision of the County Board to the Tax Equalization and Review Commission (the Commission). The Commission held a hearing on the appeal on August 20, 2015. Prior to the Commission issuing a final order, Commissioner Thomas D. Freimuth, the presiding hearing officer, resigned from the Commission. The Commission determined that the hearing held on August 20, 2015 should be vacated.² Following a hearing to discuss options for resolving the appeal, and in compliance with 442 Neb. Admin. Code, ch. 5 §015, the parties waived their right for a new hearing and submitted the matter to the Commission based on the

¹ E3.

² See, 442 Neb. Admin. Code, ch. 4 §002.04 (06/06/11).

exhibits and the recording from the prior hearing and on new evidence submitted by the Taxpayer. The new evidence has been numbered by the Commission and encompasses Exhibit 44 to Exhibit 60.

III. STANDARD OF REVIEW

The Commission's review of the determination of the County Board of Equalization is de novo.³ When the Commission considers an appeal of a decision of a County Board of Equalization, a presumption exists 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 The Commission notes that there are two lines of cases that apply differing standards to overcome the presumption. In *JQH La Vista Confr. Ctr. v. Sarpy Cty. Bd. Of Equal.*, 285 Neb. 120, 124, 825 N.W.2d 447, 451-52 (2013) the Nebraska Supreme Court quoted *Brenner v. Banner Cty. Bd. Of Equal.*, 276 Neb. 275, 283, 753 N.W.2d 802, 811 (2008):

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. 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. The burden of showing such valuation to be unreasonable rests upon the taxpayer on appeal from the action of the board. (emphasis added).

However, in *Cain v. Custer Cty. Bd. Of Equal.*, 291 Neb. 730, 748 (2015) the Nebraska Supreme Court cited *Pittman v. Sarpy Cty. Bd. Of Equal.*, 258 Neb. 390, 398, 603 N.W.2d 447, 453 (1999) stating that the presumption "remains until rebutted by *clear and convincing evidence*." (emphasis added). The Commission further notes that in *JQH La Vista*, the Court reviewed the standard applied by the Commission to the presumption in favor of the county board.⁵ The Court applied the competent evidence standard to the presumption in favor of the County Board and held that the Commission had incorrectly applied the standard when it failed to determine that an appraisal report was competent evidence to rebut the presumption.⁶ Because the Court specifically reviewed the standard applicable to the presumption, the Commission will apply this

³ See, Neb. Rev. Stat. §77-5016(8) (2014 Cum. Supp.), *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 (2009).

⁴ *Brenner v. Banner Cty. Bd. Of Equal.*, 276 Neb. 275, 283, 753 N.W.2d 802, 811 (2008) (Citations omitted).

⁵ See, *JQH La Vista Confr. Ctr. V.Sarpy Cty. Bd. Of Equal.*, 285 Neb. 120, 126, 825 N.W.2d 447, 453 (2013).

⁶ See, *JQH La Vista Confr. Ctr. V.Sarpy Cty. Bd. Of Equal.*, 285 Neb. 120, 126, 825 N.W.2d 447, 453 (2013).

standard applied by the Nebraska Supreme Court in *JQH La Vista*; the presumption may be overcome by competent evidence.⁷

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

A 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 the Board's valuation was unreasonable or arbitrary.¹¹

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. The commission may consider all questions necessary to determine taxable value of property as it hears an appeal or cross appeal.”¹² The commission may also “take notice of judicially cognizable facts and in addition 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.”¹³ The Commission’s Decision and Order shall include findings of fact and conclusions of law.¹⁴

A majority of the Commission constitutes a quorum sufficient to transact business.¹⁵ The Commission must deny relief “in any hearing or proceeding unless a majority of the Commissioners present determine that the relief should be granted.”¹⁶ A majority is defined as,

⁷ See, *JQH La Vista Confr. Ctr. V.Sarpy Cty. Bd. Of Equal.*, 285 Neb. 120, 126, 825 N.W.2d 447, 453 (2013).

⁸ Neb. Rev. Stat. §77-5016(8) (2014 Cum. Supp.).

⁹ *Omaha Country Club v. Douglas Cty. Bd. of Equal.*, 11 Neb. App. 171, 645 N.W.2d 821 (2002).

¹⁰ Cf. *Josten-Wilbert Vault Co. v. Board of Equalization for Buffalo County*, 179 Neb. 415, 138 N.W.2d 641 (1965) (determination of actual value); *Lincoln Tel. and Tel. Co. v. County Bd. Of Equalization of York County*, 209 Neb. 465, 308 N.W.2d 515 (1981)(determination of equalized taxable value).

¹¹ *Bottorf v. Clay County Bd. of Equalization*, 7 Neb.App. 162, 580 N.W.2d 561 (1998).

¹² Neb. Rev. Stat. §77-5016(8) (2014 Cum. Supp.).

¹³ Neb. Rev. Stat. §77-5016(6) (2014 Cum. Supp.).

¹⁴ Neb. Rev. Stat. §77-5018(1) (2014 Cum. Supp.).

¹⁵ See, Neb. Rev. Stat. §77-5005(2) (2014 Cum. Supp.).

¹⁶ See, Neb. Rev. Stat. §77-5016(13) (2014 Cum. Supp.).

“[T]he greater number. The number greater than half of any total.”¹⁷ Commissioner Salmon and Commissioner Hotz participated in the determination of this appeal and constitute a quorum.

IV. EQUALIZATION

A. Law

“Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution.”¹⁸ Equalization is the process of ensuring that all taxable property is placed on the assessment rolls at a uniform percentage of its actual value.¹⁹ The purpose of equalization of assessments is to bring the assessment of different parts of a taxing district to the same relative standard, so that no one of the parts may be compelled to pay a disproportionate part of the tax.²⁰ In order to determine a proportionate valuation, a comparison of the ratio of assessed value to market value for both the Subject Property and comparable property is required.²¹ 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.²² Taxpayers are entitled to have their property assessed uniformly and proportionately, even though the result may be that it is assessed at less than the actual value.²³ The constitutional requirement of uniformity in taxation extends to both rate and valuation.²⁴ If taxable values are to be equalized it is necessary for a Taxpayer to establish by “clear and convincing evidence that valuation placed on his or her property when compared with valuations placed on similar property is grossly excessive and is the result of systematic will or failure of a plain legal duty, and not mere error of judgment [sic].”²⁵ “There must be something more, something which in effect amounts to an intentional violation of the essential principle of practical uniformity.”²⁶

¹⁷ *Black's Law Dictionary 6th Edition*, West Group, p. 955 (1990).

¹⁸ *Neb. Const.*, Art. VIII, §1.

¹⁹ *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 471 N.W.2d 734 (1991).

²⁰ *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 471 N.W.2d 734 (1991); *Cabela's Inc. v. Cheyenne County Bd. of Equalization*, 8 Neb.App. 582, 597 N.W.2d 623, (1999).

²¹ See, *Cabela's Inc. v. Cheyenne County Bd. of Equalization*, 8 Neb.App. 582, 597 N.W.2d 623 (1999).

²² *Banner County v. State Board of Equalization*, 226 Neb. 236, 411 N.W.2d 35 (1987).

²³ *Equitable Life v. Lincoln County Bd. of Equal.*, 229 Neb. 60, 425 N.W.2d 320 (1988); *Fremont Plaza v. Dodge County Bd. of Equal.*, 225 Neb. 303, 405 N.W.2d 555 (1987).

²⁴ *First Nat. Bank & Trust Co. v. County of Lancaster*, 177 Neb. 390, 128 N.W.2d 820 (1964).

²⁵ *Newman v. County of Dawson*, 167 Neb. 666, 670, 94 N.W.2d 47, 49-50 (1959) (Citations omitted).

²⁶ *Id.* at 673, 94 N.W.2d at 50.

B. Summary of the Evidence

The Taxpayer asserted that the only issue was the equalization of the Subject Property's assessed value and the assessed values of similar properties in another market area. Prior to tax year 2014, the Subject Property was located in Market Area 1, as indicated in Exhibit 5. For tax year 2014, the County Assessor restructured the market areas in Nance County and the Subject Property was included in Market Area 2.

Megan Zoucha, the Nance County Assessor, testified that she derived the tax year 2014 boundaries for the market areas by a review of the sales in Nance County. Prior to 2014, there were three market areas in Nance County: (1) Market Area 1, encompassing all of the real property south of the Loup River and west of the other market areas; (2) Market Area 3, encompassing the northeast corner of Nance County north of the Loup River; and (3) Market Area 4, located in the north-central portion of Nance County, comparable in production capability to the land in the northwest part of the County, encompassing a single township and operating as a buffer zone between Market Area 1 and Market Area 3.²⁷

Zoucha testified that the market areas prior to 2014 were derived by examining sales. She testified that the real property within a given market area had sold for similar prices sufficient to determine market areas. After Zoucha examined sales in Nance County as part of determining the assessed values of real property for tax year 2014, she determined that the market areas should be restructured.

Sales of agricultural land or horticultural land in Market Area 4 indicated that Market Area 4 was no longer a buffer zone between the lower sales in the former Market Area 1 and the higher sales in Market Area 3, but instead the agricultural land or horticultural land in Market Area 4 was producing some of the highest sales in the County and were commanding as high or higher sales prices than real property in Market Area 3.²⁸ Additionally, sales in the former Market Area 1 west of the Cedar River were still lower, as were comparable sales south of the Loup River. However, sales occurring southwest of Fullerton, between the Cedar River and Loup River were included in the Loup River Reclamation District and were commanding comparable sale prices

²⁷ See, E5.

²⁸ See, E7.

to real property located in Market Area 4 and Market Area 3. She testified that the agricultural land or horticultural land located in the Loup River Reclamation District consisted of very fertile soils and was mostly irrigated.

The record includes a map of the dryland sales that constituted a portion of the sales that Zoucha examined to define the new market areas.²⁹ Zoucha testified that the difference in sales prices between Market Area 1 and Market Area 2 as constituted for tax year 2014 was in part a reflection of the different market participants in those market areas. Zoucha testified that land owners from Boone County, located to the north of Nance County, and Platte County, located to the east of Nance County, are frequent market participants in real property sales located north of the Loup River and east of the Cedar River, but are seldom market participants in other parts of Nance County. Zoucha reviewed the sales depicted in Exhibit 7 and considered the guidelines found in Nebraska Statutes section 77-1371. She determined that the sales were arm's length transactions.

Zoucha testified that unlike the former market areas, she used the natural boundaries within Nance County to separate the market areas. She closely followed the Cedar River until it reached Fullerton, and the Loup River. At Fullerton, the Cedar River turns east, and Zoucha determined to not follow the river as a market area boundary at that point.³⁰ She determined to connect the Loup River Reclamation District and the northeast quarter of the County by placing the agricultural land or horticultural land that lies just south and east of Fullerton in Market Area 2. Zoucha testified that this decision was made, in part, based upon the sale of the Mausbach Property, highlighted in blue in Exhibit 7 and located just east of Fullerton. The Mausbach Property lies adjacent to the Subject Property, and both properties lie east and south of Fullerton in the portion of Market Area 2 which connects the Loup River Reclamation District and the northeast portion of Nance County. Zoucha opined that the sale price of the Mausbach property was not affected by its proximity to Fullerton or by the proximity to other real property owned by the buyer whose other property in Nance County is located 15-20 miles away. The sale price

²⁹ See, E7.

³⁰ See, E5.

of the Mausbach Property was more comparable to the sale prices of real property in the northeast quarter of Nance County.³¹

Patricia Noble, the Taxpayer, asserted that she disagreed with the County Assessor's decision to change the market area for the Subject Property.³² She asserted that the Mausbach Property is significantly different than the Subject Property. She asserted that the Subject Property had a greater slope, is located in a flood plain, and a portion of the Subject Property is enrolled in a wetland program. She testified that in order to enroll the Subject Property in the wetland program the Subject Property was altered to stop some drainage. She asserted that Exhibit 34 and Exhibit 32 illustrated the differences between the Mausbach Property and the Subject Property. At the hearing, there was some discussion about whether the Mausbach Property sold for a premium. Noble asserted that she was unaware of the reason that the Mausbach Property sold for so much an acre, but that she was of the opinion that the previous owner was simply lucky.

Noble provided property record files for alleged comparable properties located in Market Area 1 for tax year 2014.³³ Noble was unaware whether any of the properties had characteristics similar to the Subject Property. The Commission notes that most of the alleged comparable properties had not sold in the relevant time frame. Noble asserted that because the alleged comparable properties were assessed at different values than the Subject Property the County Assessor's assessed values were incorrect. Additionally, some of the alleged comparable properties provided by Noble included irrigated land that was assessed at a lower per acre value than the Subject Property. Noble asserted that this was further evidence that the Subject Property was overvalued. She also asserted that some of the sales located in the tax year 2014 Market Area 1 were located closer to the Subject Property than the sales located in Market Area 2.

Noble asserted that only 5% (9 of 171) of the properties in Nance County were affected by the inclusion of the land to the south and east of Fullerton in Market Area 2.³⁴ She asserted that the soil types and capabilities are the same for the Subject Property and properties located on the

³¹ See, E9.

³² A market area is "an area with defined characteristics within which similar properties are effectively competitive in the minds of buyers and sellers with other comparable property in the area." 350 Neb. Admin. Code, ch 14, §002.47 (3/15/09).

³³ See, E35-E43.

³⁴ See, E26.

other side of the river. She asserted that she charges \$100 per acre cash rent. A chart found at Exhibit 21 indicates the 2014 Cash Rental Rates. Noble testified that the Subject Property falls into the category of Dryland Cropland in the East region. The chart indicates an average cash rental rate of \$215 per acre, a high cash rental rate of \$270 per acre, and a low cash rental rate of \$160 per acre.³⁵ She asserted that the 180% increase in the assessed value of the Subject Property could not be supported by the commensurate increase in the cash rent because the market would not support that number. Noble also testified that she was unaware of how the cash rental rate of the Subject Property was derived because her husband handled the contract.

She further asserted that the description of the properties in Market Area 2 does not describe the Subject Property, and that the Subject Property more closely resembled the description of properties in Market Area 1.³⁶ Noble was unable to give an opinion of the actual value of the Subject Property, but she asserted it should still be located in Market Area 1 and assessed accordingly.

C. Analysis

Noble asserted that the construction of the new market areas was unreasonable or arbitrary in part due to the similarity between the soil types of the Subject Property and the soil types of the real property located in Market Area 1. The applicable law concerning the development of market areas is set out in *Vanderheiden v. Cedar County Board of Equalization*, 16 Neb.App. 578, 746 N.W.2d 717 (2008) and Neb. Rev. Stat. § 77-103.01. Prior to the passage of Section 77-103.01, the County Assessor could only configure market areas for agricultural property based upon the soil classifications of the properties.³⁷ Properties with similar soil classifications were grouped into market areas.³⁸ Some counties attempted to take into consideration geographic location and other factors in determining the appropriate market areas but were rebuffed by the courts until the passage of Section 77-103.01.³⁹

³⁵ See, E21.

³⁶ See, E34.

³⁷ See, *Vanderheiden v. Cedar County Board of Equalization*, 16 Neb.App. 578, 584-586, 746 N.W.2d 717, 722-723 (2008).

³⁸ *Id.*

³⁹ See, *Bartlett v. Dawes County Board of Equalization*, 259 Neb. 954, 613 N.W.2d 810 (2000); See also, *Schmidt v. Thayer Cty. Bd. Of Equal.*, 10 Neb.App. 10, 624 N.W.2d 63 (2001).

The Nebraska Court of Appeals in *Vanderheiden v. Cedar County Board of Equalization*, reasoned that the change in statute allowed for agricultural market areas to be constructed on the basis of factors other than soil types.⁴⁰ In that case, the Cedar County Assessor had constructed market areas based in part upon “soil types, productivity, availability of water, relation to market distribution points, land use, geography, and sales history.”⁴¹ The Nebraska Court of Appeals found that these actions did not violate the statute and were permissible.⁴² The construction of market areas based upon similar factors is also supported by appraisal literature.⁴³

In the present case, the evidence indicates that the County Assessor considered multiple factors when constructing the market areas. The County Assessor is permitted to consider factors other than only the soil types when constructing market areas:

Class or subclass of real property means a group of properties that share one or more characteristics typically common to all the properties in the class or subclass, but are not typically found in the properties outside the class or subclass. Class or subclass includes, but is not limited to, the classifications of agricultural land or horticultural land listed in section 77-1363, parcel use, parcel type, location, geographic characteristics, zoning, city size, parcel size, and market characteristics appropriate for the valuation of such land. A class or subclass based on market characteristics shall be based on characteristics that affect the actual value in a different manner than it affects the actual value of properties not within the market characteristic class or subclass.⁴⁴

While the Subject Property consists of the same soil types as some properties in another market area, additional factors also contribute to the value of the Subject Property on the open market. The sales included in Exhibit 7 and Exhibit 8 indicate that different market influences affect the actual value of agricultural land and horticultural land in Nance County, and that these influences can be assigned to general geographical limitations. Moreover, the sale of the Mausbach Property, immediately adjacent to the Subject Property, provides strong evidence that the County Assessor appropriately included the Subject Property in Market Area 2 with the higher priced sales.

⁴⁰ 16 Neb.App. 578, 587-588, 746 N.W.2d 717, 723-724 (2008).

⁴¹ *Id.* at 588, 746 N.W.2d at 724.

⁴² *Id.*

⁴³ See, International Association of Assessing Officers, *Mass Appraisal of Real Property*, at 118-120 (1999); International Association of Assessing Officers, *Property Assessment Valuation*, at 75-77 (3rd ed. 2010); and Appraisal Institute, *The Appraisal of Real Estate*, at 54-56 (13th ed. 2008).

⁴⁴ Neb. Rev. Stat. §77-103.01 (Reissue 2009)

There was extensive discussion in the hearing regarding premiums paid as part of the sale of real property and the effect of premiums on the usefulness of sales in deriving the actual value of other parcels. Nebraska Statutes section 77-1371(3) requires the consideration of whether a premium was paid to acquire property. The statute explains, “A premium may be paid when proximity or tax consequences cause the buyer to pay more than the actual value for agricultural land or horticultural land[.]”⁴⁵ Mausbach owned other agricultural land or horticultural land, but it is located more than 15 miles from the Mausbach Property. Noble did not offer persuasive evidence that the Mausbach Property sale price was at a premium, nor did she provide any evidence to identify any specific characteristic of the Mausbach sale that would decrease its reliability as an arm’s length transaction. Moreover, sales throughout the northeastern portion of Nance County have similar sale prices and indicate that instead of being lucky or receiving a premium, the seller received actual value for the Mausbach Property.⁴⁶

Noble also asserted that the Subject Property was significantly different from the Mausbach Property and that conclusions about the Subject Property’s inclusion in Market Area 2 based on the sale of the Mausbach Property were unreasonable. However, Noble did not challenge the assessed value of the Subject Property as derived by the County Assessor based on its inclusion in Market Area 2 for tax year 2014. Moreover, the differences between the Subject Property and the Mausbach Property were not determinative of market area boundaries.⁴⁷ The evidence indicates that there are significant differences between the Mausbach Property and the Subject Property, including soil types with lower production capabilities on the Subject Property, differences in topography, and inclusion of a wetland reserve on the Subject Property.⁴⁸ However, these differences were accounted for when the County Assessor derived the assessed values of the properties. When the Property Record Files for the Subject Property for tax year 2014 are compared to the Property Record Files for the Mausbach Property for tax year 2014, it

⁴⁵ Neb. Rev. Stat. §77-1371(3).

⁴⁶ See, E7 and E8.

⁴⁷ See, Association of Assessing Officers, *Property Assessment Valuation*, at 75-77 (3rd ed. 2010) (indicating that the factors for consideration in developing a market area include physical environment, economic factors, governmental factors, and social factors).

⁴⁸ See, E2 (Property Record File for the Subject Property; See also, E9-E11 (Transfer Statements and Property Record Files for the Mausbach Property)

is clear that the lower capability soils were assessed at lower values, and the County Board appropriately adjusted the taxable value of the Subject Property to account for the wetlands.⁴⁹

Noble generally asserted that it was arbitrary or unreasonable for irrigated land in Market Area 1 to be valued less than dryland in Market Area 2, and that the boundary line for the market areas should have been moved to place the Subject Property in Market Area 1. The Commission finds that the reasonableness of assessed values should be based on evidence and data and not on preconceived notions. While it is true that generally irrigated land sells at a higher per acre price than dryland, it is inappropriate to compare the dryland in one market area with the irrigated land in another. Market areas are derived in order to identify property with similar physical, economic, governmental, and societal factors.⁵⁰ These factors affect value, and if the boundaries are properly constructed the assessed values of the properties on different sides of boundary lines should necessarily be different. On a practical level, where data suggests that physical, economic, governmental, or social factors are different in one area than in another sufficient to require the construction of market area boundaries, there will always be a line of demarcation and properties located on opposing sides of that line, no matter how distant from each other, will necessarily have different assessed values.

The assessment of real estate is not an exact science.⁵¹ The development of market areas, also called economic areas, does have commonly accepted standards in assessment: “Sales data within each economic area can be analyzed by plotting sale prices on a property sales map and/or by performing statistical tests such as sales ratio studies for economic areas.”⁵² In developing the specific boundaries of a market area, “[o]n a map of the area, the appraiser should identify the points where [relevant] characteristics show perceivable changes, and determine whether there are any physical barriers such as streets, hills, rivers, and railroads that coincide with the changes. This process establishes preliminary [market] area boundaries.”⁵³ The final level of analysis is reviewing the sale prices to ensure the best boundaries possible.⁵⁴ The evidence in this appeal indicates that the County Assessor followed these steps in developing the market

⁴⁹ See, E2:4 (2014 breakdown of Subject Property); See also, E10:2 and E11:2 (2014 breakdown for the Mausbach Property).

⁵⁰ Association of Assessing Officers, *Property Assessment Valuation*, at 75-77 (3rd ed. 2010).

⁵¹ *Matter of Bock's Estate*, 198 Neb. 121, 124, 251 N.W.2d 872, 874 (1977).

⁵² Association of Assessing Officers, *Property Assessment Valuation*, at 77 (3rd ed. 2010).

⁵³ *Id.*

⁵⁴ See, *id.*

areas for Nance County, and appraisal literature supports the use of physical barriers as boundary lines when sales data supports the use.

The Commission finds that the County Assessor's restructuring of Market Areas in Nance County to include the Subject Property in Market Area 2 is supported by the evidence in the record and is reasonable.

V. CONCLUSION

The Commission finds that there is not competent evidence to rebut the presumption that the County Board faithfully performed its duties and had sufficient competent evidence to make its determination. The Commission also finds that there is not clear and convincing evidence that the County Board's decision was arbitrary or unreasonable.

For all of the reasons set forth above, the appeal of the Taxpayer is denied.

VI. ORDER

IT IS ORDERED THAT:

1. The decision of the Nance County Board of Equalization determining the value of the Subject Property for tax year 2014 is affirmed.
2. The taxable value of the Subject Property for tax year 2014 is \$218,425.
3. This Decision and Order, if no appeal is timely filed, shall be certified to the Nance County Treasurer and the Nance County Assessor, pursuant to Neb. Rev. Stat. §77-5018 (2014 Cum. Supp.).
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 2014.

7. This Decision and Order is effective for purposes of appeal on November 5, 2015.

Signed and Sealed: November 5, 2015

Nancy J. Salmon, Commissioner

SEAL

Robert W. Hotz, Commissioner

Appeals from any decision of the Commission must satisfy the requirements of Neb. Rev. Stat. §77-5019 (2014 Cum. Supp.) and other provisions of Nebraska Statutes and Court Rules.