

617 West Ash Creek Road

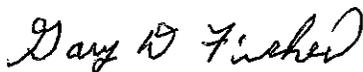
Crawford, NE 69339

April 19, 2013

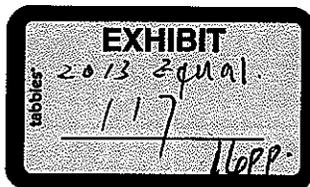
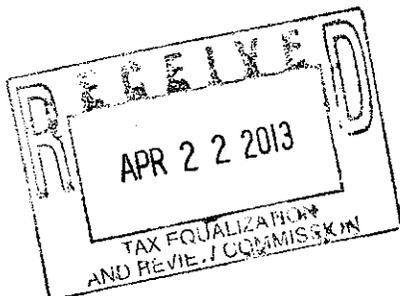
Dear TERC Board Members:

After visiting with Mark Haynes yesterday, and in regard to the Dawes County Sales Roster, I have an issue with the Thompson-Lamont sale. I have enclosed several pieces of evidence that show that, in accordance with Nebraska guidelines, this sale should NOT be used. I have explained this in the enclosed letter to Nebraska State Tax Commissioner, Ewald. If this sale is to be used, there is no ethical means at having arrived at the \$401/acre value. This figure may even be fraudulent. Thank you for your attention to this matter.

Sincerely,



Gary D. Fisher



EX117:1

Gary D. Fisher
617 West Ash Creek Road
Crawford, NE 69339
308-665-1580

Doug Ewald
Nebraska Tax Commissioner
PO Box 94818
Lincoln NE 68509-4818
April 5, 2013

Dear Mr. Ewald:

This morning I talked to Glen White in regard to some concerns we have with what has been determined as a "good" sale on the ag sales roster for Dawes County. I have enclosed copies of the sale in question and other information relating to the sale of Thompson to Lamont. This sale consisted of one parcel with approximately 2/3 in South Dakota and 1/3 all gumbo pasture in Nebraska. See Comparable Sale sheet #5 done by Wyatt Appraisal of Hot Springs, South Dakota. I do not believe that you can take an ag sale that includes \$185,000 of improvements, 625 acres of crop land at \$312,500, a Forest Service grazing permit valued at \$31,625 and 1842 acres of pasture at \$565,675. These figures combined make a total selling price of \$1,100,000. The portion of the sale in Nebraska was 897 acres of unimproved ag land. If the value of the pasture land is figured on the basis of the total cost of the pasture land, it would be valued at \$307/acre. However the qualified ag land sales roster shows that the 897 acres in Nebraska is valued at \$360,000--\$401/acre. The values of the improvements, farm ground and the Federal lease were not taken into consideration and subtracted from the overall selling price of the entire property when figuring the value of just the part of it that lies in Nebraska.

I am also concerned that as a one parcel sale with improvements more than 5% of the selling price it should have been disqualified under Nebraska State directives.

Ruth Sorensen states in her correspondence with me that there are higher sales in that area. I have enclosed copies of the Form 521 in Market Area 1 with all grass sales and all are valued by the Dawes County Assessor considerably lower than this sale.

Corman Ranches 2036 acres @ \$202/acre

Perrine 4351 acres @ \$184/acre

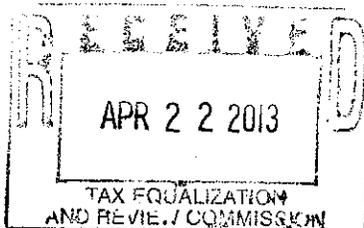
Pelton 2284 acres @ \$186/acre

Hanks 189 acres @ \$220/acre

Buerger, Jr. 160 acres @ \$250/acre

Thompson 897 acres @\$401/acre

Lamont purchased the both Buerger and Thompson properties at the same time and location. All these properties are like land sales.



EX117:2

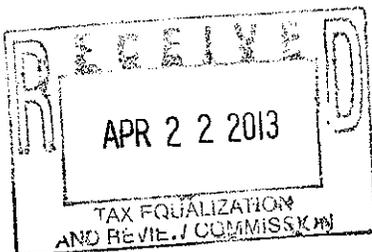
Three years ago a parcel of ground sold as pasture ground for \$800/acre with irrigation rights. The week following the sale the purchaser plowed it up for irrigated cropland and has planted it to beans and corn every year since. The Assessor was informed that this sale needed to be adjusted because of the land use change. She refused to remove it as grassland and used this sale to inflate legitimate grassland values. This year, after using it for two years, it was taken off the sales roster.

These are only a few of the circumstances that concern me. In the past, I have found that the value of irrigated ground included the value of the pivot system, irrigated ground classified as grassland, dryland farm ground classified as grassland, rocky outcroppings and steep deep canyons classified as grassland that should be considered wasteland according to state directives, 1031 exchanges and growing crops included in county valuation figures, etc. County Road acreages are shrinking, with the differences in acres added back to abutting landowners.

The Nebraska Taxpayer Bill of Rights states that the mission of your office is to "serve the public by administering the state revenue laws with integrity, efficiency, and consistency."

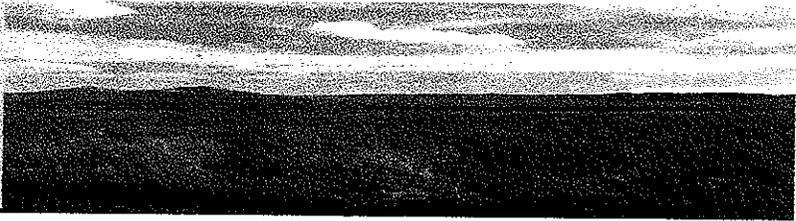
Sincerely,

Gary



EX117:3

RE/MAX SANDSTONE REAL ESTATE
623 W. 3RD
CHADRON, NE 69337
308-432-8976
866-801-8976



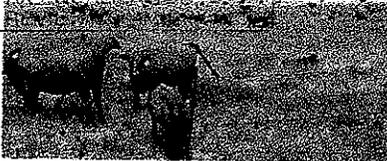
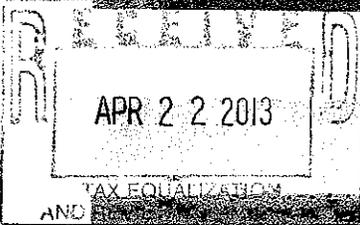
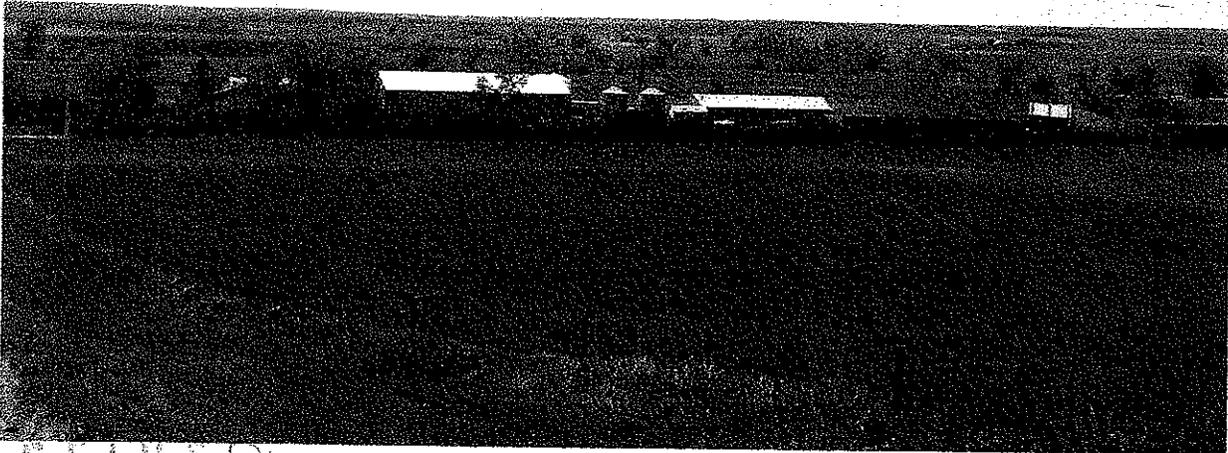
MIKE CRAWFORD
OWNER/BROKER
308-430-3685

WAYMANN WILD
ASSOC. BROKER
308-430-0074

RON MOORE
REALTOR
308-430-4818

SHIRLEY SELLMAN
REALTOR
308-430-2509

THOMSEN RANCH SOUTH DAKOTA



Listed: 2/11/11 for \$1,200,000

Sold: May 28th 2011 for \$1,100,000



Re/Max Sandstone Real Estate
623 W. 3rd
Chadron, NE 69337
308-432-8976

PROPERTY: THOMSEN RANCH

LOCATION: 28 Miles NW of Chadron NE. or 14 miles SW of Oelrichs, SD

PRICE: \$1,200,000.00

SIZE: 2513.34 +/- deeded acres.(880 acres Buffalo Gap National Grassland & 640 School Lease)

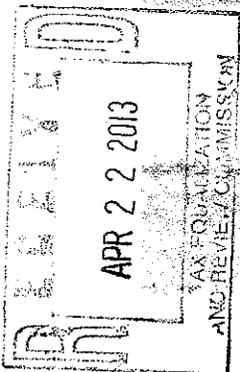
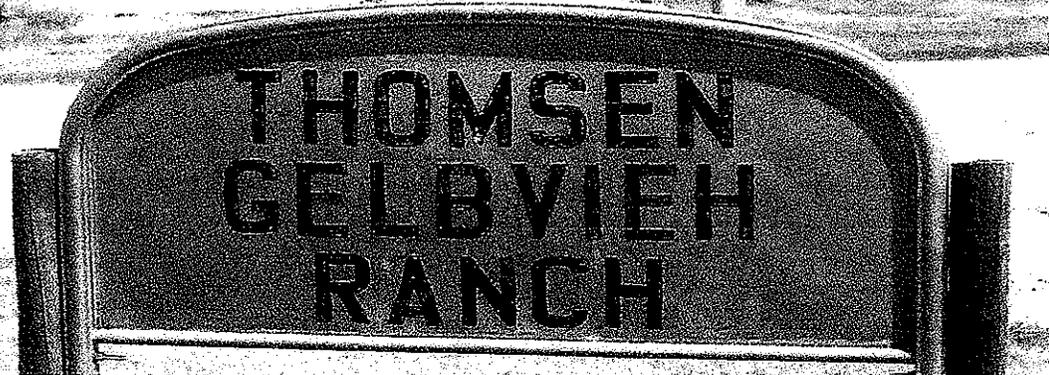
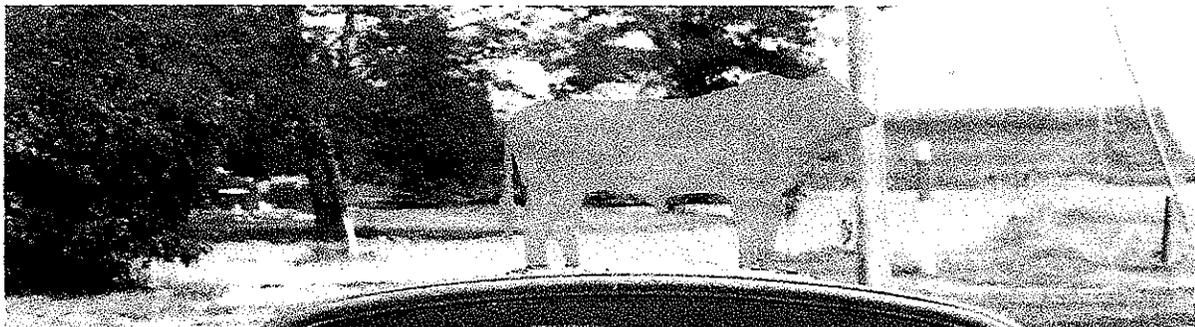
TAXES: SD- \$5,300.00
NE- \$2,329.12
TOTAL- \$7,629.12

LEGAL DESCRIPTION: SEE ATTACHMENT

BUILDINGS: 1920 sq ft ranch style home w/ 1440 sq ft basement/ 54x81 Morton Shop & Machine Shed, garage & other miscellaneous buildings.

COMMENTS: This ranch has been in the same family for over 100 years. All family members have practiced excellent stewardship throughout the years.

SPECIAL INTEREST: Wild game is abundant with mule deer, whitetail deer, antelope & grouse. Close to great fishing at Angostura Reservoir & trout fishing in the Black Hills.



RE/MAX Sandstone Real Estate
 623 West 3rd Street
 Chadron, NE 69337
 (308) 432-8976

THOMSEN LEGAL DESCRIPTION

Township 11, Range 6, Fall River County, SD

Section 25: NW4 160

Township 12, Range 6, Fall River County, SD

Section 1: N2, S2S2, NE4SW4, N2SE4 600
 Section 2: S2SE4 80
 Section 11: E2NW4, W2NE4, NE4SW4, NW4SE4 240

Township 11, Range 7, Fall River, County, SD

Section 31: W2 320

Township 12, Range 7, Fall River County, SD

Section 6: NW4 160

1560 50

Township 35n, Range 51 West of the 6th P.M., Dawes County, NE.

Section 21: W2, Pt E2
 Section 28: NE4, W2

D.C. ~~733.39~~ 413.69

483.19

445.34

480

896.88

278,342

915

Total deeded acres is 2,513.34, according to assessors' records.

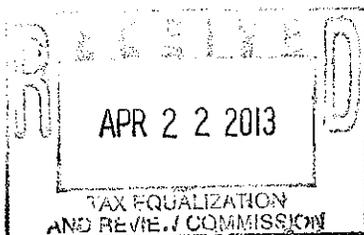
925

NE

897 COUNTY RECORDS AC

1st million 378 in Nebr. = 407,800
 Less 185,000 BID, 338,550
 897 AC 925 AC @ 350 323,750
 313,990

1560
 925
 2485



COMPARABLE SALE #5

SELLER: Loyd & Karen Thomsen

BUYER: Timothy & Cheryl Lamont

SALE DATE: 7-2011

LOCATION: Located 17 miles SW of Oelrichs, Fall River County, SD and Dawes County, NE

LEGAL DESCRIPTION: See Attached

SALE PRICE: \$1,100,000
SIZE: 2,485.23 acres
S/DEEDED ACRE: \$442.61
TERMS: cash
ACCESS: county road
NEIGHBORHOOD: ranches
TOPOGRAPHY: level to rolling
SOIL TYPES: clay
VEGETATION: native grass, growing crops
CARRYING CAPACITY: 101 a.u.
WATER: 2 community pipelines, dams, wells
UTILITIES: phone, electric, fiber optics
IMPROVEMENTS: good - See attached

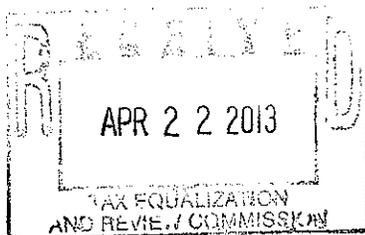
COMMENTS: Located 17 miles SW of Oelrichs, SD in 3 tracts. One tract in Nebraska. 25% cropland. Well fenced. About average buildings. Horsehead Creek flows through property. Nice hay meadows along creek. Good hunting area. Has Forest Service grazing permit. 253 a.u.m.

ALLOCATIONS:

Crop	625 acres @ \$500/acre =	\$312,500	
Pasture	1,842 acres @ \$307/acre =	\$565,675	
Buildings	(10 acres)	= \$185,200	74.52 per acre
Waste	8.23 acres	0	
FS Grazing Permit	253 aum @ \$125/aum =	\$31,625	
Land, Bldgs & Permit		\$1,100,000	

TOTAL \$1,100,000

CAP RATE: .027



Mr Wyatt values Pasture
AT 307 1/2 / AC.

15%

PART 6. SUMMATION (COST) APPROACH

USE OF LAND (1)	ACRES (2)	SOIL DESCRIPTION (3)	DEPTH OF TOPSOIL (4)	KIND OF SUBSOIL (5)	TOPOGRAPHY (6)	VALUE		
						PER ACRE (7)	TOTAL (8)	
CROPLAND	625					\$ 500	312,500	
TOTAL CROPLAND	625							
PERM. PASTURE	1,842				327 317	350	644,700	
Grazing Permit	253 a.u.m.					125	31,625	
WOODLAND								
FARMSTEAD	10					500	5,000	
ROADS, ETC.	8.23					0		
TOTALS	2,485.23							
MARKET VALUE OF LAND							\$	993,825
CONTRIBUTORY VALUE OF BUILDINGS AS IMPROVED (OBTAIN TOTAL FROM PART 2, COLUMN 12)							\$	185,200
MINERAL ACRES OWNED _____ VALUE OF MINERALS (per acre) _____ TOTAL CONTRIBUTORY VALUE OF MINERALS							\$	
SUMMATION VALUE OF FARM _____ (PER ACRE \$ 474)							\$	1,179,025

584,743

1,100

9.3%

PART 7. RECOMMENDED MARKET VALUE OF FARM

VALUE INDICATION - MARKET DATA APPROACH (SALES COMPARISON)	\$ 1,180,375
VALUE INDICATION - CAPITALIZATION (INCOME) APPROACH	\$ 1,148,346
VALUE INDICATION - SUMMATION (COST) APPROACH	\$ 1,179,025
MINERAL CONTRIBUTION	\$ _____
RECOMMENDED MARKET VALUE (LAND AND MINERALS) (\$ 475 /Acre)	\$ 1,180,375

Note: The Recommended Market Value includes the mineral contribution from Form PSA 1922-11, if any.

PART 8. COMMENTS

SEE ATTACHMENTS A,B,C,D,E FOR SUPPORTING DATA, DOCUMENTATION AND COMMENTS

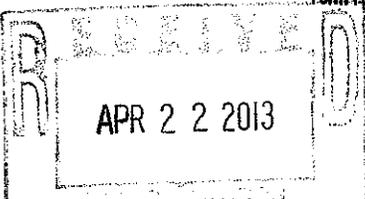
I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE STATEMENTS OF FACT CONTAINED IN THIS REPORT ARE TRUE AND CORRECT. THE REPORTED ANALYSES, OPINIONS, AND CONCLUSIONS ARE LIMITED ONLY BY THE REPORTED ASSUMPTIONS AND LIMITING CONDITIONS, AND ARE MY PERSONAL IMPARTIAL, AND UNBIASED PROFESSIONAL ANALYSES, OPINIONS, AND CONCLUSIONS. I HAVE NO (OR THE SPECIFIED) PRESENT OR PROSPECTIVE INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AND NO (OR THE SPECIFIED) PERSONAL INTEREST WITH RESPECT TO THE PARTIES INVOLVED. I HAVE NO BIAS WITH RESPECT TO THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT OR TO THE PARTIES INVOLVED WITH THIS ASSIGNMENT. MY ENGAGEMENT IN THIS ASSIGNMENT WAS NOT CONTINGENT UPON DEVELOPING OR REPORTING PREDETERMINED RESULTS. MY COMPENSATION FOR COMPLETING THIS ASSIGNMENT WAS NOT CONTINGENT UPON THE DEVELOPMENT OR REPORTING OF A PREDETERMINED VALUE OR DIRECTION IN VALUE THAT FAVORS THE CAUSE OF THE CLIENT, THE AMOUNT OF THE VALUE OPINION, THE ATTAINMENT OF A STIPULATED RESULT, OR THE OCCURRENCE OF A SUBSEQUENT EVENT DIRECTLY RELATED TO THE INTENDED USE OF THIS APPRAISAL. MY ANALYSES, OPINIONS, AND CONCLUSIONS WERE DEVELOPED, AND THIS REPORT HAS BEEN PREPARED, IN CONFORMITY WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE. I HAVE HAVE NOT MADE A PERSONAL INSPECTION OF THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT. (IF MORE THAN ONE PERSON SIGNS THE REPORT, THIS CERTIFICATION MUST CLEARLY SPECIFY WHICH INDIVIDUALS DID AND WHICH INDIVIDUALS DID NOT MAKE A PERSONAL INSPECTION OF THE APPRAISAL PROPERTY.) NO ONE PROVIDED SIGNIFICANT PROFESSIONAL ASSISTANCE TO THE PERSON SIGNING THIS REPORT (IF THERE ARE EXCEPTIONS, THE NAME OF EACH INDIVIDUAL PROVIDING SIGNIFICANT PROFESSIONAL ASSISTANCE MUST BE STATED.) CONTINGENT AND LIMITING CONDITIONS STATEMENT: THE APPRAISER IS NOT QUALIFIED TO VERIFY OR DETECT THE PRESENCE OF HAZARDOUS SUBSTANCES BY VISUAL INSPECTION OR OTHERWISE, NOR QUALIFIED TO DETERMINE THE EFFECT, IF ANY, OF KNOWN OR UNKNOWN SUBSTANCES PRESENT, UNLESS OTHERWISE STATED ON THIS FORM OR AN ATTACHMENT HERETO. THE FINAL VALUE CONCLUSION IS BASED ON THE SUBJECT PROPERTY BEING FREE OF HAZARDOUS WASTE CONTAMINATIONS, AND IT IS SPECIFICALLY ASSUMED THAT PRESENT SUBSEQUENT OWNERSHIPS WILL EXERCISE DUE DILIGENCE TO ENSURE THAT THE PROPERTY DOES NOT BECOME OTHERWISE CONTAMINATED.

DATE OF INSPECTION 5-6-2011
EFFECTIVE DATE 5-6-2011

(SIGNED) Russell Wyatt
State Certified General Appraiser
(TITLE)

THIS APPRAISAL CONTAINS ATTACHMENTS A,B,C,D,E

REVIEWED BY Russell Wyatt
DATE 5-13-11



TO BE FILED WITH REGISTER OF DEEDS

Real Estate Transfer Statement

• Read instructions on reverse side

FORM 521

THE DEED WILL NOT BE RECORDED UNLESS THIS STATEMENT IS SIGNED AND ITEMS 1-25 ARE ACCURATELY COMPLETED

1 City Name Dawes	2 County Number 23	3 Date of Sale Mo. 6 Day 2 Yr. 2011	4 Date of Deed Mo. 6 Day 2 Yr. 2011
5 Grantor's Name, Address, and Telephone (Please Print) Grantor's Name (Seller) Lloyd Thomsen and Karen W. Thomsen Street or Other Mailing Address 30173 Black Banks Road City State Zip Code Delrichs SD 57763 Telephone Number		6 Grantee's Name, Address, and Telephone (Please Print) Grantee's Name (Buyer) Timothy R. LaMont and Cheryl F. Lamont Street or Other Mailing Address 12784 Shep's Canyon Road City State Zip Code Hot Springs SD 57747 Telephone Number 605-745-7110	

7 PROPERTY CLASSIFICATION NUMBER. Check one box in categories A and B. Check C also if property is mobile home.

(A) Status	(B) Property Type			(C)	
(1) <input type="checkbox"/> Improved (2) <input checked="" type="checkbox"/> Unimproved (3) <input type="checkbox"/> IOLL	(1) <input type="checkbox"/> Single Family (2) <input type="checkbox"/> Multi-Family (3) <input type="checkbox"/> Commercial	(4) <input type="checkbox"/> Industrial (5) <input checked="" type="checkbox"/> Agricultural	(6) <input type="checkbox"/> Recreational (7) <input type="checkbox"/> Mineral Interests-Nonproducing	(8) <input type="checkbox"/> Mineral Interests-Producing (9) <input type="checkbox"/> State Assessed (10) <input type="checkbox"/> Exempt	(1) <input type="checkbox"/> Mobile Home N/A
8 Type of Deed <input checked="" type="checkbox"/> Warranty <input type="checkbox"/> Quit Claim	<input type="checkbox"/> Corrective <input type="checkbox"/> Sheriff <input type="checkbox"/> Conservator	<input type="checkbox"/> Land Contract <input type="checkbox"/> Executor <input type="checkbox"/> Partition	<input type="checkbox"/> Personal Rep. <input type="checkbox"/> Mineral <input type="checkbox"/> Trust	<input type="checkbox"/> Bill of Sale <input type="checkbox"/> Cemetery <input type="checkbox"/> Other	9 1031 Exchange? (was transfer an IRS like-kind exchange) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10 Type of Transfer <input checked="" type="checkbox"/> Sale <input type="checkbox"/> Auction	<input type="checkbox"/> Gift <input type="checkbox"/> Exchange	<input type="checkbox"/> Foreclosure <input type="checkbox"/> Life Estate	<input type="checkbox"/> Revocable Trust <input type="checkbox"/> Irrevocable Trust	<input type="checkbox"/> Court Decree <input type="checkbox"/> Partition	<input type="checkbox"/> Satisfaction of Contract <input type="checkbox"/> Other (explain)
11 Ownership Transferred in Full? (if No, explain division) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	12 Was real estate purchased for same use? (if No, state intended use) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
13 Was transfer between relatives, or if to a trustee, are the trustor and beneficiary relatives? (if Yes, check appropriate box) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Spouse <input type="checkbox"/> Parents and Child <input type="checkbox"/> Family Corporation, Partnership or LLC <input type="checkbox"/> Grandparents and Grandchild <input type="checkbox"/> Brothers and Sisters <input type="checkbox"/> Aunt or Uncle to Niece or Nephew <input type="checkbox"/> Other					
14 What is the current market value of the real property? 360,000.00		15 Was mortgage assumed? If Yes, state amount and interest rate. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO \$ %			
16 Does this conveyance divide a current parcel of land? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		17 Was transfer through a real estate agent? (if Yes, name of agent) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Wavmann Wild, Re/MAX Sandstone Real Estate			
18 Address of Property No address available - Agricultural Property		19 Name and Address of Person to Whom Tax Statement Should be Sent Timothy and Cheryl Lamont 12784 Shep's Canyon Road Hot Springs SD 57747			

20 Legal Description
See Exhibit "A" attached.

21 If agricultural, list total number of acres 896.88

22 Total purchase price, including any liabilities assumed	22	\$ 360,000.00
23 Was nonreal property included in purchase? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (if Yes, enter amount and attach itemized list)	23	\$
24 Adjusted purchase price paid for real estate (line 22 minus line 23)	24	\$ 360,000.00

RECEIVED JUN 10 2011

35-51-21-1A
35-51-28-1A
35-51-28-1B

Under penalties of law, I declare that I have examined this statement and that it is, to the best of my knowledge and belief, true, complete and correct, and that I am duly authorized to sign this statement.

25 Timothy R. LaMont
Print or Type Name of Grantee or Authorized Representative

Signature of Grantee or Authorized Representative: *[Signature]* Title: Grantee Date: 6/2/2011
Telephone Number: 605-745-7110

REGISTER OF DEEDS' USE ONLY			FOR NDR USE ONLY		
26 Date Deed Recorded 06 Day 09 Yr. 11	27 Value of Stamp or Exempt Number \$ 810.00	28 Deed Book Inst 2011 - 00605	29 Deed Page 30		

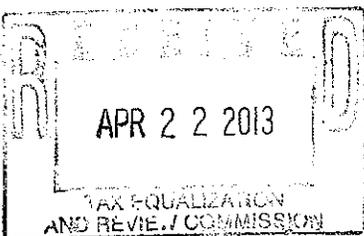
EXHIBIT "A"

Legal Description

Township 35 North, Range 51 West of the 6th P.M., Dawes County, Nebraska

Section 21: W1/2, and E1/2 EXCEPT a certain tract of land conveyed in the Warranty Deed recorded in Book 59 of Deeds, Page 592, described as follows: Beginning at a point 22 rods north of the southeast corner of said Section 21 where the east line of said section intersects with the east line of the public highway traversing the said tract, thence along the east line of said highway in a northwesterly direction to the point where the same intersects the north line of said section on the same, being a point 21 rods east of the northwest corner of the NE1/4 of said Section 21, thence east along the north line of said section to the northeast corner of said section; thence south along the east line of said section to the point of beginning, and which said tract may otherwise be described as all of that portion of said E1/2 of said Section 21 in said Township 35 North, Range 41 West, Dawes County, Nebraska, lying north and east of the east line of said public highway so traversing said tract and which highway runs in a generally northwesterly direction from its point of intersection with the east line of said section.

Section 28: NE1/4, W1/2



Nancy and Gary Fisher

From: "Sorensen, Ruth" <ruth.sorensen@nebraska.gov>
To: "Nancy and Gary Fisher" <fisher@bbcwb.net>
Sent: Wednesday, March 06, 2013 3:22 PM
Subject: RE: Qualified Ag Roster
Mr. Fischer,

Thank you for providing me with additional information on the two sales for which you have concerns. Your county assessor has responsibility to determine the assessed values in your county using professionally accepted mass appraisal techniques. One of those responsibilities is to use arm's length transactions to estimate market value. I expect county assessors to conduct a thorough verification of transfers to gather all necessary facts. I appreciate the degree at which you are familiar with these transactions as well. The sharing of information often brings new information to the attention of the county assessor.

My Division's independent responsibility to measure the assessed values relative to market also relies on the use of arm's length sales that are comparable to the land being assessed. We rely on the verification conducted by the county assessors, and conduct periodic independent reviews of the Real Estate Transfer Statements and gather information from persons involved with the transactions. The sales you referenced in your email have been independently reviewed by my staff, and the county assessor's verification has also been reviewed.

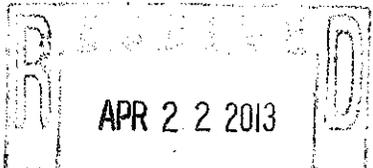
It became apparent through a first-hand discussion with the buyer, Timothy Lamont, that an appraisal determined the portion of the sale price allocated to Nebraska in the Thomsen parcel. (Additionally, our review of the sale price per acre finds it reasonable, especially since recent sales in the general area have sold at a higher price per acre) Also considering the fact that Mr. Lamont identified this parcel to available for sale through an internet listing, gives me confidence that the parcel was exposed to an open market of potential buyers.

I understand your concern on the Buerger parcel since Mr. Lamont recently had recently acquired the adjoining land at the time he approached Mr. Buerger. We generally find these parcels to be sold at a price below market value. However, the buyer indicated that the purchase price was established using comparable sales, and negotiation occurred between the buyer and seller, each of whom was seeking to maximize their position from the transfer.

The result of our review leads me to believe that both of these transactions were arm's length, represent similar property in the market area, and are valid indicators of market value. While I am aware of the relatively few sales that occur in this market area, the requirement of the county assessor is to determine market value. County assessors are encouraged to look for comparable sales as they determine market value, even if that means using comparable sales outside the boundaries of their county. I've directed county assessors to consider the general trends of the market in establishing values as well. In situations where one or two sales removed from analysis results in a significantly different conclusion on market value, I question whether the group of sales is sufficient to represent the parcels in the market area. In circumstances with few sales, my office may default to a measurement that considers the general economic

Tim Lamont 605-~~535~~ 2000 - called 3-8-13 - Tim said someone from Down Here called To Dan's by sale - Tim told me to call Russel w/yatt - Appraiser at 605-245-5354

605 745-7110



Mark 430-5252

trends of the market for similar land.

If you have additional questions about the criteria considered for measuring the level of value, please let me know. If your concerns are related to the use of particular sales relative to your assessed value, I encourage you to develop and present your opinion of market value to your county board and county assessor through a protest.

Ruth A. Sorensen

Property Tax Administrator

Dept. of Revenue, Property Assessment Division | 301 Centennial Mall South | P.O. Box 98919 |

Lincoln, NE 68509 | ☎: 402.471.5962 | 📠: 402.471.5993 | ✉: ruth.sorensen@nebraska.gov

From: Nancy and Gary Fisher [mailto:fisher@bbcwb.net]

Sent: Tuesday, March 05, 2013 6:16 PM

To: Sorensen, Ruth

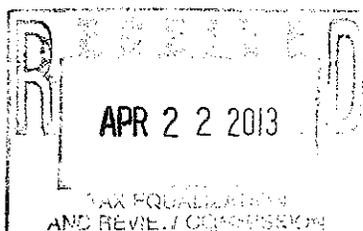
Subject: Qualified Ag Roster

The two sales we talked about on the phone are Book 2011 page 598, sale number 20110598, location ID 355128C, Buerger Jr. to Lamont and Book 2011, page 605, sale number 20110605, location ID 3551211A, Thompson to Lamont. This is the 521 information.

I received additional information from the realtor who sold the property, Wayman Wild of Remax in Chadron. His phone number is 308-430-0074. He said that all the Thompson property sold as one parcel and brought 1.1 million and contained approximately 2400 acres with the headquarters and approximately 1500 acres being in South Dakota. The improvements were substantial and consisted of much more than 5% of the selling price. It had been dry land farmed, but was put into alfalfa and grass. The land in Nebraska is all gumbo grass. The parcel that was purchased from Buerger Jr. was finalized the same day and contained approximately 160 acres and had a common boundary with the Thompson property. There is no fence along this boundary. Thompson had been using the property for paying the property tax on it.

I have a hard time accepting this sale as a good sale that represents Nebraska property values.

Gary



3/6/2013
EX117:12

Nancy and Gary Fisher

From: "Sorensen, Ruth" <ruth.sorensen@nebraska.gov>
To: "Nancy and Gary Fisher" <fisher@bbcwb.net>
Sent: Monday, March 25, 2013 10:45 AM
Subject: RE: Qualified Ag Roster
 Mr. Fisher,

In answer to your question, Neb. Rev. Stat. § 77-5027 allows the Property Tax Administrator to use sales of comparable real property in market areas similar to the county or area in question or from another county to determine the level of value. There is no statute or directive that specifically addresses the county assessor's use of sales across state boundaries. However, to the extent sales of land that have comparable physical, functional, and location characteristics, similar legal uses, and similar taxation levels, persons analyzing the market value of a property could find these sales to be valid indicators.

The most recent sale in Dawes County with which I'm familiar is Book 2012 Page 1426. The parcel is primarily grass land and sold for \$543 per acre.

Please contact me if you have any additional questions regarding the Property Assessment Division's measurement process.

Ruth A. Sorensen

Property Tax Administrator

Dept. of Revenue, Property Assessment Division | 301 Centennial Mall South | P.O. Box 98919 |
 Lincoln, NE 68509 | ☎: 402.471.5962 | 📠: 402.471.5993 | ✉: ruth.sorensen@nebraska.gov

From: Nancy and Gary Fisher [mailto:fisher@bbcwb.net]
Sent: Friday, March 08, 2013 8:42 AM
To: Sorensen, Ruth
Subject: Re: Qualified Ag Roster

In paragraph 3 of your email, you refer to other recent sales that support the higher valuation. What are the identifying numbers of those sales?

I know there is a state directive that allows assessors to borrow sales across county lines. Does this also allow for borrowing sales across state lines? If so, what is the directive for this?

Gary

----- Original Message -----

From: Sorensen, Ruth
To: Nancy and Gary Fisher
Sent: Wednesday, March 06, 2013 3:22 PM
Subject: RE: Qualified Ag Roster

Mr. Fischer,

Thank you for providing me with additional information on the two sales for which you have concerns. Your county assessor has responsibility to determine the assessed values in your county using professionally accepted mass appraisal techniques. One of those responsibilities is to use arm's length transactions to estimate market value. I expect county assessors to conduct a thorough verification of transfers to gather all

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necessary facts. I appreciate the degree at which you are familiar with these transactions as well. The sharing of information often brings new information to the attention of the county assessor.

My Division's independent responsibility to measure the assessed values relative to market also relies on the use of arm's length sales that are comparable to the land being assessed. We rely on the verification conducted by the county assessors, and conduct periodic independent reviews of the Real Estate Transfer Statements and gather information from persons involved with the transactions. The sales you referenced in your email have been independently reviewed by my staff, and the county assessor's verification has also been reviewed.

It became apparent through a first-hand discussion with the buyer, Timothy Lamont, that an appraisal determined the portion of the sale price allocated to Nebraska in the Thomsen parcel. Additionally, our review of the sale price per acre finds it reasonable, especially since recent sales in the general area have sold at a higher price per acre. Also considering the fact that Mr. Lamont identified this parcel to available for sale through an internet listing, gives me confidence that the parcel was exposed to an open market of potential buyers.

I understand your concern on the Buerger parcel since Mr. Lamont recently had recently acquired the adjoining land at the time he approached Mr. Buerger. We generally find these parcels to be sold at a price below market value. However, the buyer indicated that the purchase price was established using comparable sales, and negotiation occurred between the buyer and seller, each of whom was seeking to maximize their position from the transfer.

The result of our review leads me to believe that both of these transactions were arm's length, represent similar property in the market area, and are valid indicators of market value. While I am aware of the relatively few sales that occur in this market area, the requirement of the county assessor is to determine market value. County assessors are encouraged to look for comparable sales as they determine market value, even if that means using comparable sales outside the boundaries of their county. I've directed county assessors to consider the general trends of the market in establishing values as well. In situations where one or two sales removed from analysis results in a significantly different conclusion on market value, I question whether the group of sales is sufficient to represent the parcels in the market area. In circumstances with few sales, my office may default to a measurement that considers the general economic trends of the market for similar land.

If you have additional questions about the criteria considered for measuring the level of value, please let me know. If your concerns are related to the use of particular sales relative to your assessed value, I encourage you to develop and present your opinion of market value to your county board and county assessor through a protest.

Ruth A. Sorensen

Property Tax Administrator

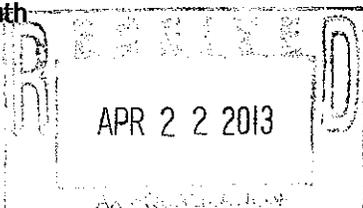
Dept. of Revenue, Property Assessment Division | 301 Centennial Mall South | P.O. Box 98919 |

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From: Nancy and Gary Fisher [<mailto:fisher@bbcwb.net>]

Sent: Tuesday, March 05, 2013 6:16 PM

To: Sorensen, Ruth



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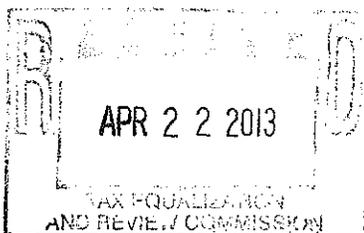
Subject: Qualified Ag Roster

The two sales we talked about on the phone are Book 2011 page 598, sale number 20110598, location ID 355128C, Buerger Jr. to Lamont and Book 2011, page 605, sale number 20110605, location ID 3551211A, Thompson to Lamont. This is the 521 information.

I received additional information from the realtor who sold the property, Wayman Wild of Remax in Chadron. His phone number is 308-430-0074. He said that all the Thompson property sold as one parcel and brought 1.1 million and contained approximately 2400 acres with the headquarters and approximately 1500 acres being in South Dakota. The improvements were substantial and consisted of much more than 5% of the selling price. It had been dry land farmed, but was put into alfalfa and grass. The land in Nebraska is all gumbo grass. The parcel that was purchased from Buerger Jr. was finalized the same day and contained approximately 160 acres and had a common boundary with the Thompson property. There is no fence along this boundary. Thompson had been using the property for paying the property tax on it.

I have a hard time accepting this sale as a good sale that represents Nebraska property values.

Gary



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Nancy and Gary Fisher

From: "Lindy Coleman" <dawescountyassessor@yahoo.com>
To: "Nancy and Gary Fisher" <fisher@bbcwb.net>
Sent: Tuesday, March 19, 2013 9:48 AM
Subject: Re: Purchase price
 Gary,

As per the email received from Ruth Sorensen:

" It became apparent through a first-hand discussion with the buyer, Timothy Lamont, that an appraisal determined the portion of the sale price allocated to Nebraska in the Thomsen parcel. Additionally, our review of the sale price per acre finds it reasonable, especially since recent sales in the general area have sold at a higher price per acre. Also considering the fact that Mr. Lamont identified this parcel to available for sale through an internet listing, gives me confidence that the parcel was exposed to an open market of potential buyers.

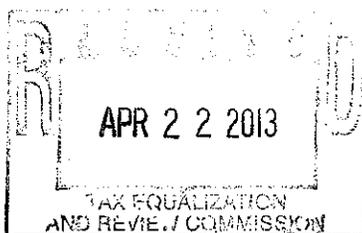
I understand your concern on the Buerger parcel since Mr. Lamont recently had recently acquired the adjoining land at the time he approached Mr. Buerger. We generally find these parcels to be sold at a price below market value. However, the buyer indicated that the purchase price was established using comparable sales, and negotiation occurred between the buyer and seller, each of whom was seeking to maximize their position from the transfer. "

Lindy Coleman
 Dawes County Assessor,
 Zoning & Floodplain Administrator
 451 Main Street
 Chadron, NE 69337
 308-432-0103
 308-432-3150 Fax

From: Nancy and Gary Fisher <fisher@bbcwb.net>
To: Lindy Coleman <dawescountyassessor@yahoo.com>
Sent: Monday, March 18, 2013 12:19 PM
Subject: Fw: Purchase price

In regard to the sale from Thompson to Lamont. Who determined the value of the 896.8 acres in Nebraska at \$360,000 and what was the method when it was part of a larger parcel which sold at \$1.1 million?

Gary



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