

BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION

APPLETREE APTS.,	)	Case No. 00C-19	RECEIVED
	)		
Appellant,	)		MAR 22 2001
	)		
vs.	)	FINDINGS OF FACT AND	SCHMID LAW LIBRARY
	)	CONCLUSIONS OF LAW	UNL COLLEGE OF LAW
DOUGLAS COUNTY BOARD	)		
OF EQUALIZATION,	)		
	)		
Appellee(s).	)		

THIS CAUSE comes before the Nebraska Tax Equalization and Review Commission on the 2nd day of Mar., 2001, and based upon the Notice of Appeal filed by the Appellant, the Offer to Confess Judgment in Part filed by the Appellee, together with an Affidavit and Stipulation submitted by the Douglas County Assessor and Attorney Offices, and the Appellant's Acceptance of the Offer to Confess Judgment in Part, the Commission finds as follows:

I.

Pursuant to section 77-5007 of the Nebraska Revised Statutes, the Commission has jurisdiction over the parties hereto and over the subject matter of this appeal. Neb. Rev. Stat. §77-5007 (1998 Cum. Supp.).

II.

On or about July 26, 2000, the Douglas County Board of Equalization rendered a 2000 assessed valuation of \$7,982,000 on the subject property located at 9855 Monroe Pa., Omaha, Douglas County, Nebraska.

III.

On August 14, 2000, the appellant filed a Notice of Appeal with the Commission,

alleging that the 2000 assessed value of \$7,982,000 was excessive.

IV.

On February 7, 2001, the Douglas County Board of Equalization, Appellee, offered to confess judgment in part for the sum of \$375,000, with parties to bear and pay their respective costs. This amount represents the difference between the 2000 valuation of \$7,982,000 as adopted by the Douglas County Board of Equalization and the revised assessment offer of \$7,607,000.

V.

On February 9, 2001, the Tax Equalization and Review Commission entered an Order approving the Appellee's Offer to Confess Judgment in Part.

VI.

On February 24, 2001, the Appellant accepted the appellee's Offer to Confess Judgment in Part for the sum of \$375,000 as evidenced by his signature on the attached Acceptance Agreement.

**WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

1. The assessed value rendered by the Board of Equalization of Douglas County, Nebraska, is hereby vacated and set aside; and that the Appellee's Offer to Confess Judgment in Part is hereby approved as follows:

Actual Value of Land: \$809,800

Actual Value of Improvements: \$6,797,200

Total: \$7,607,000

2. The Commission shall certify its Decision to the Douglas County Clerk, Douglas County Assessor, and Douglas County Treasurer, with the directions that these county officers shall correct the valuation of the subject property in accordance with the holdings of this Opinion.

3. Neither the Appellee's Offer to Confess Judgment in Part, the Appellant's Acceptance of Appellee's Offer to Confess Judgment in Part, this Opinion, or any other document related to this appeal shall be used or construed as an admission by either the Appellant or the Appellee as to the actual or assessed value of the subject real estate in any other proceeding pertaining to the valuation of real estate for subsequent tax years; and

4. Each party shall pay its own respective costs.

**DATED** this 2nd day of March, 2001.



BY THE COMMISSION:

A handwritten signature in black ink, appearing to be a stylized name, is written above a horizontal line.

Chairman/Commissioner

Approved as to Form:

  
\_\_\_\_\_

JAMES R. THIBODEAU #21885  
Deputy County Attorney  
909 Civic Center  
Omaha, NE 68183  
(402) 444-7935

2-7-01

\_\_\_\_\_  
Date

  
\_\_\_\_\_

Property Owner/Agent

2-16-01

\_\_\_\_\_  
Date

0008082/07-10