

FINDINGS OF FACT

From the record, the Commission found and determined as follows:

- I. That Appellants are the owners of record of certain agricultural real property as described in the petition in this case.
- II. That Appellants timely filed a protest of the assessed value of their property for tax year 1997.
- III. That the basis for the protest was the allegation that data used to implement the valuation increase is inadequate; and that Township borders have no correlation to soil types or geographic changes.
- IV. That the Appellee granted the protest in part.
- V. That Appellants thereafter timely filed an appeal of that decision to the Commission.
- VI. That market areas are a professionally accepted mass appraisal method used to provide more accurate and equitable real property valuations.
- VII. That townships may be appropriate market areas if competent and credible evidence supports their use.
- VIII. That there are 23,040 acres in a township. That the record before the Commission demonstrates that a total of ten sales, over a three-year period, consisting of approximately 510 acres of dry agricultural land formed the basis of the County Assessor's determination of value for Elm Township (Market Area 3).
- IX. That the Commission, from the record before it, cannot conclude that those 10 sales constitute a statistically reliable basis for value determinations.

- X. That the Commission, from the record before it, cannot conclude that the use of Township boundaries for Elm Township constitutes a "market area" under professionally accepted mass appraisal methods in this case.
- XI. That Exhibit 26 shows that two of the plotted sales were adjacent to the subject properties. However, the record is devoid of any information regarding the date of sale, number of dry land acres involved or the sale price. Therefore the Commission cannot determine the market value of the subject property based on those sales.
- XII. That from all the evidence before the Commission the method used to determine market areas was unreasonable and arbitrary.
- XIII. That from the record before the Commission the County relied on the determination of market areas made by the County Assessor and that reliance was unreasonable and arbitrary.
- XIV. That from the record before the Commission the Appellant has established by a preponderance of the evidence that the decision of the Appellee was unreasonable and arbitrary.
- XV. That therefore the assessed value of the subject property as determined by the Appellee for tax year 1997 is not supported by the evidence.

CONCLUSIONS OF LAW

- I. That the Commission has jurisdiction over the parties and the subject matter of this appeal.

- II. That the Commission is required by Neb. Rev. Stat. §77-1511 (Reissue 1996) to affirm the decision of the Appellee unless evidence is adduced establishing that the action of the Appellee was unreasonable or arbitrary.
- III. That as a matter of law the Appellant has established by a preponderance of the evidence that the action of the Appellee was unreasonable and arbitrary.
- IV. That based on the record before the Commission, the Commission must, and hereby does, conclude as a matter of law that the decision of the Antelope County Board of Equalization which set the assessed value of the subject property for purposes of taxation for tax year 1997 was both unreasonable and arbitrary.
- V. That therefore the decision of the Antelope County Board of Equalization must be vacated and reversed.

ORDER

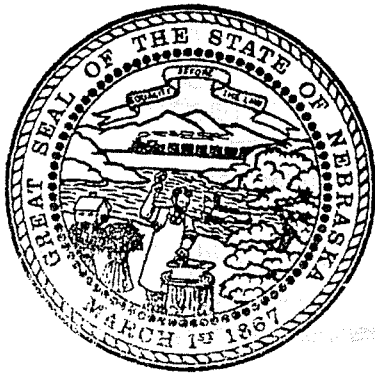
- I. That the order of the Antelope County Board of Equalization setting the assessed value of the subject property for tax year 1997 at \$106,440 is vacated and reversed.
- II. That Appellants' real property legally described as the SW ¼ and the W 1 Rod of SE ¼ of Section 32, Township 25, Range 5, consisting of 161 acres, more or less, in Antelope County, Nebraska, shall be valued as follows for tax year 1997:

Land	\$ 86,405	(Valued as Dry Land Valuation Groups in Market Area One **See Exhibit "A")
Improvements	\$ 16,300	(No Change)
Total	\$102,705	

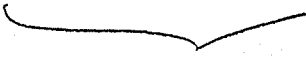
- III. That this decision, if no appeal is filed, shall be certified within thirty days to the Antelope County Treasurer, and the Antelope County Assessor, pursuant to Neb. Rev. Stat. §77-1511 (Reissue 1997).
- IV. That this decision shall only be applicable to tax year 1997.
- V. That each party is to bear its own costs in this matter.

The above and foregoing Amended Findings of Fact, Conclusions of Law, and Order are entered of record on the 15th day of April, 1998, in response to a Petition for Rehearing made by both Parties. The Parties submitted additional information (attached hereto and incorporated herein by reference as Exhibit "A"), which forms the basis of the Amended Findings and Orders in this case. These Amended Findings and Orders, having been approved by all Commissioners, and being entered of record this date, are deemed to be the Order of Commission in this case, pursuant to Neb. Rev. Stat. §77-5005 (Reissue 1996).

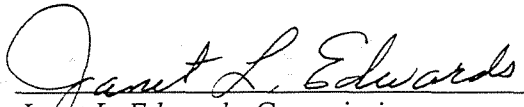
Signed and sealed this 15th day of April, 1998.



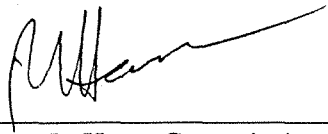
SEAL



Mark P. Reynolds, Chairman



Janet L. Edwards, Commissioner



Robert L. Hans, Commissioner

JORE., TRUSTEE
LISE, M. TRUSTEE
13

32-25-5
SW1/4 & W 1 ROD OF SE1/4
151 AC
ELM TOWNSHIP TD 25

NE 68761

Sch/Aff : 34/02-0009/02-0009
/Twn/Range: 0032- 025-05
c / Block : 0000-0000
cadastral: 3/154/7

Flag #1.#2.#3 :
Update Date : 00/00/00
Classification: 03-01-05-00-05-00-10
Dept. Rev. PIN: 0000-00-0-00000-000-0000
Comments :

97R-481

Carrier :
Bank Code: 0000
Occupancy :

Current Year Last Year Homestead
House Value : 6,490 House Value : 6,490 Percent:
Improvements: 9,810 Improvements: 9,810 Code :
Land : 90,140 Land : 90,410 Value :

Soil	Class	Description	Acres	Acres Val	
HHA	103	HORD SILT LOA 1A1	32.9000	1,080 ✓	35
HHC	303	HORD SILT LOA 2A1	26.0000	825 ✓	2
			*Irrigated	58.9000	56
				<i>Area Values</i>	
HD	2303	HOBBS SILT LO 2D1	6.0000	3340 680 640	3
NOD	2503	NORA SILT LOA 3D1	32.1000	13805 500 430	16
CRE2	2803	CROFTON SILT 4D	9.4000	1925 325 205	3
QUE2	2803	CROFTON NORA 4D	2.0000	410 325 205	
			*Dryland	49.5000	19,980
NOD	3503	NORA SILT LOA 3G1	2.9000	350 ✓	1
CRE2	3803	CROFTON SILT 4G	6.7000	120 ✓	
QUE2	3803	CROFTON NORA 4G	17.0000	120 ✓	2
CUF	3803	CROFTON NORA 4G	18.0000	120 ✓	2
			*Grassland	44.6000	6
HHC	9103	HORD SILT LOA HOMESITE	1.0000	1,700 ✓	1
NOD	9203	NORA SILT LOA FARMSITE	3.0000	575 ✓	1
			*Building Sites	4.0000	3
RDS	10103	ROADS	4.0000	0	
			*Exempt	4.0000	

Land Total 161.0000
Improvements
Grand Total

90140
- 3735
Amended Value 86405
+ 16,300
102,705

EXHIBIT
97R-481
"A"
4-15-98 lpg