

BEFORE THE NEBRASKA TAX EQUALIZATION AND REVIEW COMMISSION

JOHN Q. HAMMONS HOTEL 2,)	Case No. 97R-005
)	
Appellant,)	
)	
vs.)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
DOUGLAS COUNTY BOARD)	
OF EQUALIZATION,)	
)	
Appellee(s).)	

THIS CAUSE comes before the Nebraska Tax Equalization and Review Commission on the 13th day of November, 1997, 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 Amended 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 (Reissue 1996).

II.

On or about July 23, 1997, the Douglas County Board of Equalization rendered a 1997 assessed valuation of \$28,114,800 on the subject property known as Embassy Suites, 910 Jackson Street, Omaha, Douglas County, Nebraska 68102.

III.

On August 4, 1997, the appellant filed a Notice of Appeal with the Commission, alleging that the 1997 assessed value of

\$28,114,800 was excessive.

IV.

On November 7, 1997, the Douglas County Board of Equalization, appellee, offered to confess judgment in part for the sum of \$7,412,800, with parties to bear and pay their respective costs. This amount represents the difference between the 1997 valuation of 28,114,800 as adopted by the Douglas County Board of Equalization and the revised assessment offer of \$20,702,000. Parties further agreed to dismiss appeal and key numbers 0510-5300-08-23, 0510-5302-08-23, and 0510-5304-08-23.

V.

On November 12, 1997, the Tax Equalization and Review Commission entered an Order approving the appellee's Amended Offer to Confess Judgment in Part and Dismissal in Part.

VI.

On 11/11, 1997, the appellant accepted the appellee's Amended Offer to Confess Judgment in Part and Dismissal in Part for the sum of \$7,412,800 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 Amended Offer to Confess Judgment in Part is hereby approved as follows:

Actual Value of Land: \$1,563,000
Actual Value of Improvements: \$19,139,000
Total: \$20,702,000

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 and Motion to Dismiss in Part, the appellant's Acceptance of Appellee's Offer to Confess Judgment in Part and Motion to Dismiss 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

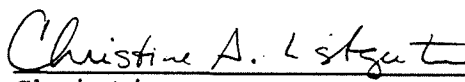
4. Each party shall pay its own respective costs.

BY THE COMMISSION:



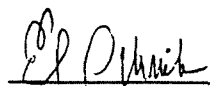
Chairman/Commissioner

Approved as to Form:



Christine A. Lustgarten #20107
Deputy County Attorney
909 Civic Center
Omaha, NE 68183
(402) 444-7622

11-7-97
Date



Ed Schreiber
c/o Tax Manager
4243 Hunt Road
Cincinnati, OH 45242

11/11/97
Date