

BEFORE THE NEBRASKA TAX EQUALIZATION
AND REVIEW COMMISSION

BRUCE FORNEY,)	Case No. 96R-88
)	
Appellant,)	
)	
v.)	DOCKET ENTRY
)	
BOX BUTTE COUNTY BOARD)	
OF EQUALIZATION,)	
)	
Appellee.)	

The Commission called the above-captioned case for hearing on the merits in the City of Gering, Scotts Bluff County, Nebraska, on the 28th day of May, 1997, pursuant to a Notice of Hearing issued the 7th day of May, 1997.

Appellant appeared personally and through counsel. Appellee appeared through counsel. During the hearing, the Commission took judicial notice of certain information, and each of the parties was allowed to present evidence and cross-examine witnesses of the opposing party. Thereafter the parties rested, and the Commission heard closing statements from the parties.

Neb. Rev. Stat. §77-5018 (Reissue 1996, as amended by LB 397 (1997 Session)), requires that every final decision and order entered by the Commission which is adverse to a party be stated in writing or on the record and be accompanied by findings of fact and conclusions of law.

The Commission, after hearing the evidence, receiving the exhibits and hearing argument, entered its Findings of Fact, Conclusions of Law, and entered a final order on the merits of the above-captioned case. All Commissioners participated in the following decision.

FINDINGS OF FACT

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

- I. That Appellant is the owner of record of certain real estate as described in the petition in the instant case.

- II. That Appellant timely filed a protest of the assessed value of his property for tax year 1996.
- III. That the basis for the protest was that Appellant's residential property was not valued at market value.
- IV. That the County Assessor proposed valuing the property as follows:

Land	\$ 26,870
Improvements	\$298,664
Total	\$325,534

- V. That the Appellant requested an assessed value for tax purposes as follows:

Land	\$ 26,870
Improvements	\$238,130
Total	\$265,000

- VI. That the evidence shows that Appellant purchased the vacant lots in 1990 for \$22,000.
- VII. That the fair market value of the property is 92% of \$353,823, or \$325,534.
- VIII. That the Appellee denied the protest.
- IX. That Appellant thereafter timely filed an appeal of that decision to the Tax Equalization and Review Commission.
- X. That the assessed value of the subject property for tax year 1996 is supported by the evidence adduced by Appellee.
- XI. That no evidence has been adduced to establish that the decision of the Appellee was unreasonable or arbitrary.

CONCLUSIONS OF LAW

- I. 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 Box Butte County Board of Equalization which set the assessed value of the subject property

for purposes of taxation at \$325,534 for tax year 1996 was neither unreasonable nor arbitrary.

- II. That the decision of the Box Butte County Board of Equalization to deny Appellant's request to reduce the assessed valuation to \$265,000 was neither unreasonable nor arbitrary.
- III. That therefore the decision of the Box Butte County Board of Equalization must be affirmed.

ORDER

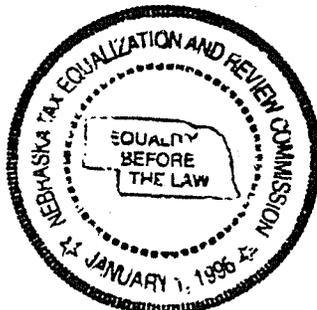
- I. That the order of the Box Butte County Board of Equalization setting the assessed value of the subject property for tax year 1996 at \$325,534 is affirmed.
- II. That Appellant's real property legally described as Lots 1 and 2, Block 1, North Park, in the City of Alliance, Box Butte County, Nebraska, more commonly known as 110 Burnham Drive, shall be valued as follows for tax year 1996:

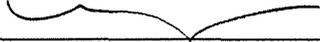
Land	\$26,870
Improvements	\$298,664
Total	\$325,534

- III. That this decision, if no appeal is filed, shall be certified within thirty days to the Box Butte County Treasurer, and the Box Butte County Assessor, pursuant to Neb. Rev. Stat. §77-1511 (Reissue 1996).
- IV. That each party is to bear its own costs in this matter

Dated this 26th day of June, 1997.

SEAL





 Mark P. Reynolds, Chairman