

**BEFORE THE NEBRASKA TAX EQUALIZATION
AND REVIEW COMMISSION**

PIERCE COMMUNITY GOLF COURSE,)		
A Nebraska Non-profit)		
Corporation,)		CASE NO. 03C-290
)		
Appellant,)		
)		FINDINGS AND FINAL ORDER
vs.)		AFFIRMING DECISION OF COUNTY
)		BOARD OF EQUALIZATION
PIERCE COUNTY BOARD OF)		
EQUALIZATION,)		
)		
Appellee.)		

Appearances:

For the Appellant: Rick Droescher
President, Pierce Community Golf Course
P.O. Box 22
Pierce, NE 68767

For the Appellee: Michael Pieper, Esq.
Special Appointed Counsel
P.O. Box 427
Wayne, NE 68787-0427

Before: Commissioners Lore, Reynolds, and Wickersham.

**I.
STATEMENT OF THE CASE**

Pierce Community Golf Course ("the Taxpayer") is a Nebraska non-profit corporation. The Taxpayer's real property includes: a golf course with associated fairways, greens, tees, cart paths, watering systems, grass and landscaping; a driving range; a practice green; a 3,321 square foot clubhouse with a full basement with space for ten rental golf carts (E22:9), parking area and lighting; four cart sheds with 116 cart stalls servicing both gas and electric powered carts which total 8,880 square feet

in size; and a 1,440 square foot maintenance building. (E3:1 - 2). The golf cart storage buildings are capable of storing both gas and electrically powered carts. Nothing in the record describes how fuel is provided for the gas powered carts or whether a gas tank or gas pump is located on the property. Nothing in the record describes the number or type of electrical connections which must be available to recharge the electrically powered carts. Nothing in the record quantifies the impact, if any, on actual or fair market value of the features associated with refueling or recharging the golf carts.

The Clubhouse has one full-time employee and four part-time employees. The "Grounds Crew" has a full time greenskeeper, another full-time employee, and three part-time employees. The Taxpayer employs a total of eleven people during the seven months each year the golf course is open.

Some golf supplies are sold on the premises of the subject property. Sales are limited at the pro shop to gloves, balls, tees, etc. No golf clubs are sold on the premises.

The Taxpayer's golf course is the only golf course located in Pierce County, Nebraska. The Par 36, nine-hole, regulation golf course is located on a tract of land approximately 80-acres in size. The golf-course was built in two phases beginning in 1969, with an expansion in 1990. (E3:1). Three of the greens on the golf course are "regulation" greens. The golf course has a

single line of sprinkler systems running down the center of the fairway for each hole, with water provided by a well on the subject property. There is also a "backup" well on the property. The golf course is rated by the Nebraska State Golf Association as 68.4 with a Slope of 107 for the "white tees." (E4:1). The Pierce Community Golf Course's Manager testified that the golf course is in good to excellent condition.

The Pierce County Assessor ("the Assessor") determined that the actual or fair market value of the Taxpayer's real property was \$467,170 as of the January 1, 2003, assessment date. (E1). The Taxpayer timely filed a protest of that determination and alleged that the actual or fair market value of the property was \$310,000. (E1). The Pierce County Board of Equalization ("the Board") granted the protest in part and determined that the actual or fair market value of the property was \$394,000 as of the assessment date. (E1).

The Taxpayer filed an appeal of the Board's decision on August 25, 2003. The Commission served a Notice in Lieu of Summons on the Board on September 23, 2003. After preliminary proceedings, the Board filed an answer on February 4, 2004. The Commission issued a Second Amended Order for Hearing and Notice of Hearing to each of the Parties on April 13, 2004. An Affidavit of Service in the Commission's records establishes that

a copy of the Second Amended Order and Notice was served on each of the Parties.

The Commission called the case for a hearing on the merits of the appeal in the City of Norfolk, Madison County, Nebraska, on June 15, 2004. The Taxpayer appeared at the hearing through its President, Rick Droescher. The Board appeared through Michael E. Pieper, Special Appointed Counsel. Commissioners Lore, Reynolds and Wickersham heard the appeal. Commissioner Reynolds served as the presiding officer. Commissioner Hans was excused from the proceedings.

The Commission afforded each of the Parties the opportunity to present evidence and argument. The Commission took the matter under advisement at the end of the proceedings. The matter now comes on for decision.

II. ISSUES

The issues before the Commission are (1) whether the Board's decision to grant the Taxpayer's valuation protest only in part was incorrect and either unreasonable or arbitrary; and (2) if so, whether the Board's determination of value was unreasonable.

III.
APPLICABLE LAW

The Taxpayer is required to demonstrate by clear and convincing evidence (1) that the Board's decision was incorrect and (2) that the Board's decision was unreasonable or arbitrary. (Neb. Rev. Stat. §77-5016(7)). The "unreasonable or arbitrary" element requires clear and convincing evidence that the Board either (1) failed to faithfully perform its official duties; or (2) failed to act upon sufficient competent evidence in making its decision. The Taxpayer, once this initial burden has been satisfied, must then demonstrate by clear and convincing evidence that the Board's value was unreasonable. *Garvey Elevators v. Adams County Bd.*, 261 Neb. 130, 136, 621 N.W.2d 518, 523-524 (2001).

IV.
FINDINGS OF FACT

1. The Pierce Community Golf Course is a privately owned, Par 36 golf course with a "core" layout. Three of the greens are "regulation" greens.
2. The Course Rating as determined by the Nebraska State Golf Association is 68.4 with a Slope of 107 for the "white tees." (E4).
3. The Taxpayer's only evidence of actual or fair market value is opinion evidence from the Corporation's President. The

President testified that the actual or fair market value of the subject property was \$312,000 as of the March 1, 2003. (E2:1).

4. Each of the golf courses used as "comparables" by the Taxpayer differs significantly from the subject property.
5. The Taxpayer failed to offer any credible evidence of the adjustments necessary to account for the differences between the subject property and the golf courses offered as comparables.
6. The Taxpayer's evidence of value failed to meet the requirements of any professionally accepted mass or fee appraisal methodologies.

**V.
ANALYSIS**

All real property not expressly exempted from taxation must be valued at actual value. Neb. Rev. Stat. §77-201(1)(Reissue 2003). Real property may be valued using the Sales Comparison Approach, the Income Approach or the Cost Approach. Neb. Rev. Stat. §77-112(Reissue 2003). Only one approach need be used to value the property. *Schmidt v. Thayer County Bd. of Equal.*, 10 Neb.App. 10, 18, 624 N.W.2d 63, 69 - 70 (2001).

A.
VALUATION OF GOLF COURSES

The valuation of a golf course under professionally accepted fee appraisal methodologies involves eight steps: definition of the problem; scope of work (data collection and property description); market (feasibility) analysis; determination of highest and best use; financial performance analysis; application of the approaches to value; reconciliation of value indications and final opinion of value; allocation of appraised value. *Analysis and Valuation of Golf Courses and Country Clubs*, Appraisal Institute, 2003, p. 48.

The scope of work step requires data collection and an accurate property description. Golf course descriptions require identification of size, type, par, ownership, layout, topography, location, difficulty, and physical components. *Supra*, at p. xiii.

A 9-hole "regulation" golf course such as the subject property must meet certain minimum standards: a course length of 3,200 yards; a "par" of 35 strokes. Par will range from 3 to 5 strokes per hole. *Supra*, at p. 182. "Par" is defined as

"the score an expert golfer would be expected to make for a given hole. Par means errorless play without flukes and, under ordinary weather conditions, allows for two strokes on each putting green. Par is based on the yardage recommended by various governing bodies.

Par applies to each individual hole and is governed by the length of the hole, not necessarily its difficulty. Difficulty is measured as the standard scratch score in Britain and elsewhere, and the course ratings in America. The standard par for an 18-hole course is 72 strokes."

Supra, p. 181. The subject property is rated as a Par 36 course, with a scratch rating of 68.4 and a Slope of 107 at the white tees, as determined by the Nebraska State Golf Association. (E4). The regulation course has a length of at least 3,200 yards.

**B.
THE TAXPAYER'S COMPARABLES**

The Taxpayer offered nine Nebraska golf courses as properties "comparable" to the subject property. (E6; E11). The Taxpayer's "comparables" are:

Course Name	City	Exhibits
Pierce Community	Pierce	2 - 8; 11
Antelope	Neligh	11; 17; 23; 29; 35
Evergreen Hill	Battle Creek	11; 12
Fairplay	Norfolk	11; 13
Logan Valley	Wakefield	6; 9; 10; 23; 36
Plainview	Plainview	11; 18; 20; 23; 29; 33
Summerland	Ewing	11; 16
Taylor Creek	Madison	11; 14
Wayne	Wayne	11; 19

The Commission's Order for Hearing and Rules and Regulations require the offering party to provide complete copies of the Property Record File for any properties offered as comparables. Title 442, Neb. Admin. Code, ch. 5, §020.06 (12/03); *Order for Hearing*, p. 2, ¶4(b). The Property Record File contains the inventory of physical characteristics for the property as well as the method of valuation and the assessed value of the property. See, e.g., E21:5 - 14. The inventory of physical characteristics is essential in order to determine the adjustments necessary to render the proposed "comparable" properties truly comparable to the subject property.

Exhibit 10 is the Property Record File for the Logan Valley Golf Course in Wakefield, Nebraska, which contains a total of 48.46 acres of land. (E11; E10:1; E10:2; E36). The Logan Valley Golf Course's real property includes a 9-hole golf course, seven different structures including a club house and buildings used for golf-cart storage. (E19:4). The buildings used to store golf carts are capable of storing 52 carts. Nothing in the record describes whether storage is for gas-powered golf carts, electrically powered carts, or both, the available refueling or recharging equipment available or whether the course has a driving range or putting green. The Property Record File does not establish whether the course is a regulation course, what the Par rating is per hole or for the course, the course rating,

Slope, or type of sprinkler system. (E6:1). The 2003 assessed value for the Logan Valley Club is \$102,930. (E10:1 - 2).

Exhibit 16 is the Property Record File for the Summerland Golf Course in Ewing, Nebraska, which contains 67.41 acres of land. (E16:1). The Summerland Golf Course's real property includes a 9-hole golf course, a club house and one building used for golf-cart storage. (E11; E16:7). Nothing in the record describes whether storage is for gas-powered golf carts, electrically powered carts, or both, or the available refueling or recharging equipment available. The Property Record File does not establish whether the course is a regulation course, what the Par rating is per hole or for the course, the course rating, Slope, type of sprinkler system, source of water, the age or condition of the course, or whether the course has a driving range or putting green. The 2002 assessed value for the Summerland Golf Course is \$286,045. (E16:1).

Exhibit 17 is the Property Record File for the Antelope Country Club in Neligh, Nebraska, which contains 94.106 acres of land. (E17:1; E17:11). The Antelope Country Club's real property includes a 9-hole golf course, eleven different structures including a club house, pump house, buildings used for golf-cart storage and a building used as a pro shop. (E11; E17:7). Nothing in the record describes whether storage is for gas-powered golf carts, electrically powered carts, or both, or

the available refueling or recharging equipment. The Property Record File does not establish whether the course is a regulation course, what the Par rating is per hole or for the course, its rating, slope, type of sprinkler system, source of water or whether the course has a driving range or putting green. The 2003 assessed value for the Antelope Country Club is \$299,665. (E17:1; E17:11).

Exhibits 18 and 20 are the Property Record Files for the Plainview Country Club in Plainview, Nebraska, which contains a total of 92.12 acres of land. (E18:1; E20:1). The Plainview County Club's real property includes seventeen different structures including a club house and buildings used for golf-cart storage. (E18:7; E20:5). Nothing in the record describes whether storage is for gas-powered golf carts, electrically powered carts, or both, or the available refueling or recharging equipment available. The Property Record File does not establish whether the course is a regulation course, what the Par rating is per hole or for the course, the course rating, Slope, type of sprinkler system, the source of water or whether the course has a driving range or putting green. The 2003 assessed value for the Plainview County Club is \$260,535. (E18:1; E20:1).

Exhibit 19 is the Property Record File for the Wayne Country and Golf Club of Wayne, Nebraska, which contains a total of 84.09 acres of land divided into three different parcels. (E19:1 - 3).

The Wayne Country Club's real property includes an 18-hole golf course, nine different structures including a country club and buildings used for golf-cart storage. (E19:4). Nothing in the record describes whether storage is for gas-powered golf carts, electrically powered carts, or both, or the available refueling or recharging equipment available. The Property Record File does not establish whether the course is a regulation course, what the Par rating is per hole or for the course, the course rating, Slope, type of sprinkler system, the source of water or whether the course has a driving range or putting green. The 2003 assessed value for the Wayne Country Club is \$226,650. (E19:1 - 3).

The Taxpayer introduced one-page summaries of assessed values but failed to adduce copies of the Property Record Card Files for the Evergreen Hill Golf Course in Battle Creek; the Fairplay Country Club in Norfolk; Kelly's Country Golf Course in Norfolk [which is an improvement on leased land (E15)], or the Taylor Creek Golf Course in Madison. (E12 - 14). The record contains no documentary evidence establishing whether any of the courses are regulation courses, the Par rating per hole or for the courses, the course rating, Slope, type of sprinkler system, the source of water or whether there is a driving range for any of the courses.

C.
THE SALES COMPARISON APPROACH

I.
CUSTOMARY METHODOLOGY

The Sales Comparison Approach provides an estimate of value by comparing the subject property to similar properties which have recently sold. The basic steps which must be used in this approach are (1) define the appraisal problem, (2) collect and analyze the data, (3) select appropriate units of comparison, (4) make reasonable adjustments based on the market to account for differences between the subject property and the comparable properties, (5) apply the data to the subject of appraisal. *Property Assessment Valuation, 2nd Ed., International Association of Assessing Officers, 1996, p. 97.*

The selection of appropriate properties as "comparables" to the subject property is a critical step in the process. "Comparable properties" share similar quality, architectural attractiveness (style), age, size, amenities, functional utility, and physical condition. *Property Assessment Valuation, 2nd Ed., International Association of Assessing Officers, 1996, p. 98.* When using "comparables" to determine value, similarities and differences between the subject property and the comparables must be recognized. *Property Assessment Valuation, 2nd Ed., 1996, p.103.* "Financing terms, market conditions, location, and physical characteristics are items that must be considered when

making adjustments . . . " *Property Assessment Valuation, 2nd* Ed., 1996, p. 98. Most adjustments are for physical characteristics. *Property Assessment Valuation, 2nd* Ed., 1996, p.105.

The adjustment process is also critical to an accurate determination of value. The process is designed to show the value of comparable property if differences between the subject property and the comparable properties are eliminated. In adjusting the sale price of the comparable, lump sum dollar amounts or percentages are customarily employed. Adjustments are always applied to the sale price of the comparable property, not to the subject property. If the sold property is inferior in some respect to the subject property, the sale price is increased by a dollar amount or percentage. If the sold property is superior in some respect, the sale price is decreased. Applying the adjustments to the sale price of the comparable property provides a value indication for the subject property. *Supra* at 76.

"A golf course . . . is a unique grouping of facilities, amenities and revenue producing departments. No two courses are alike in terms of their physical characteristics, playability, reputation, social atmosphere and other attributes. Because of these many differences, estimating the value

of a course by comparing the prices paid for other properties is very difficult."

Analysis and Valuation of Golf Courses and Country Clubs, Appraisal Institute, 2003, p. 137.

The Taxpayer alleges that the Logan View Golf Course is the most comparable course to the subject property. (E6:1). The Taxpayer also alleges that the Logan View Golf Course sold for \$140,000 in March of 2004. No independent evidence confirms the sale price. The Taxpayer alleges that the price paid for the Logan View Golf Course requires \$224,717 worth of gross adjustments to compensate for the differences between the Logan View Golf Course and the subject property. (E6:1). The Taxpayer failed to offer credible evidence concerning the source of the proposed adjustments. The magnitude of the gross adjustments proposed, 161% of the purchase price, establishes that the Logan View Golf Course is not comparable to the subject property. The subject property's actual or fair market value cannot be determined with any degree of reliability based on the sale price of the Logan View Golf Course property and the Taxpayer's proposed adjustments.

The Taxpayer adduced no evidence of any adjustments to account for differences between the subject property and any of the other proposed "comparable" properties.

ii.
**SALES COMPARISON METHODOLOGY BASED
ON UNITS OF COMPARISON**

Actual or fair market value of a golf course may also be determined under the Sales Comparison Approach based on units of comparison that relate to the financial aspects of the sale of a golf course. These units of comparison include: the Total Revenue Multiplier; the Golf Revenue Multiplier; Price Per Round; Price Per Membership; and Greens Fee and Rounds Multipliers. *Supra*, at p. 143. Each of these methodologies is based on the named factor (total revenue; golf revenue; price per round; price per membership; or greens fees revenue) divided by the purchase price paid. The Taxpayer, however, failed to provide the information necessary to calculate any of the units of comparison which, in turn, might be used to provide an indication of actual or fair market value for the subject property.

D.
THE INCOME APPROACH

The Income Approach defines value as the present worth of future benefits arising from the ownership of a property. The Income Approach, as applied to golf courses, typically has five steps: (1) select an appropriate projection period; (2) forecast gross revenues; (3) forecast annual operating expenses; (4) select appropriate discount and/or capitalization rates; and (5)

apply proper discounting and capitalization procedures. *Analysis and Valuation of Golf Courses, supra* at p. 119.

The Taxpayer provided a Profit and Loss Statement for calendar years 2000 through 2003. None of the information concerning calendar year 2003 was available to either the Taxpayer or the Board during the 2003 protest proceedings. The remaining data establishes that the golf course's net income for calendar years 2000, 2001 and 2002 ranged from \$18,891.92 to \$35,471.90. (E8:5). The income pattern for the golf course varies significantly. Under these circumstances, "a yield capitalization technique like discounted cash flow (DCF) analysis is most appropriate." *Supra*, at p. 117.

"To apply this method, the present worth of future cash flow expectations is calculated by individually discounting each anticipated, periodic future cash receipt at an appropriate discount rate. The market value derived is the accumulation of the present worth of each year's projected net income plus the present worth of the reversion, or terminal value. The estimated reversion, which is the anticipated property value at the end of the projected holding period, is usually based on direct capitalization of the projected net income in the reversion year. In performing appraisals or feasibility studies, appraisers should

not estimate golf course income and expenses based solely on industry averages or medians for various expense categories. Rather they must use data from a variety of sources, especially comparable golf courses."

Supra, at p. 118.

The Taxpayer failed to adduce any evidence of income and expense statements for any other golf courses. No credible estimate of value can be made under the Income Approach without this information.

E.
THE COST APPROACH

The Cost Approach is especially useful for appraisal of properties for which sales and income data are scarce. *Property Assessment Valuation*, p. 127. The Cost Approach is uniquely applicable to the appraisal of golf facilities. *Analysis and Valuation of Golf Courses*, *supra*, p. 99. In fact, the Cost Approach is accorded great weight because golf courses are considered special-purpose properties that are not frequently exchanged in the market. *Supra*, p. 97.

The Cost Approach has six steps: (1) Estimate the land (site) value as if vacant and available for development to its highest and best use; (2) Estimate the total cost new of the

improvements as of the appraisal date, including direct costs, indirect costs, and entrepreneurial profit from market analysis; (3) Estimate the total amount of accrued depreciation attributable to physical deterioration, functional obsolescence, and external (economic) obsolescence; (4) Subtract the total amount of accrued depreciation from the total cost new of the primary improvements to arrive at the depreciated cost of improvements; (5) Estimate the total cost new of any accessory improvements and site improvements, then estimate and deduct all accrued depreciation from the total cost new of these improvements; (6) Add site value to the depreciated cost of the primary improvements, accessory improvements, and site improvements, to arrive at a value indication by the cost approach. *Property Assessment Valuation*, 2nd Ed., International Association of Assessing Officers, 1996, pp. 128 - 129.

The Taxpayer's actual costs of acquisition and development over a thirty-eight year period were \$426,342. (E7). The Taxpayer made no effort to index these historical costs to the assessment date and used these costs as its Replacement Cost New. (E7). The Taxpayer depreciated these unadjusted historical costs using the age-life method and offered the result, \$342,163, as an indicator of market value. (E7).

The Taxpayer's indication of value is not based on a professionally recognized appraisal methodology. The use of

unadjusted historical costs underestimates the Replacement Cost New and overestimates depreciation. The resulting indication of value is neither clear nor convincing evidence of actual or fair market value.

F.
WEIGHT AFFORDED THE TAXPAYER'S EVIDENCE OF VALUE

The Taxpayer's President prepared the Cost Approach and related documents concerning value. The Taxpayer's President testified that he holds a "Registered" Nebraska Appraiser's License and offered documents purporting to be an appraisal in that capacity. The Taxpayer's President testified that he is also a licensed Nebraska Real Estate Broker.

The Taxpayer's President, however, admitted on examination that he hasn't been involved in the sale or purchase of a golf course real property in the past five years, and that he hasn't ever appraised a golf course. The Taxpayer's President also testified that his "appraisal" did not satisfied the requirements of the *Uniform Standards of Professional Appraisal Practice* ("USPAP"). The Taxpayer's President testified it wasn't necessary for him to satisfy the USPAP requirements based on the value of the property at issue. He was unable, however, to identify the source of the alleged exemption. Contrary to his representations, Nebraska credentialed appraisers are required to

comply with *USPAP*. Neb. Rev. Stat. §76-2237 (Reissue 2003); Title 298, Neb. Admin. Code, ch. 2, §001.

The Taxpayer's only valuation witness has no experience in buying, selling, or valuing golf courses. The witness is one of the Taxpayer's officers. He is also a member of the golf course and presumably has an interest in keeping his membership costs down. He is therefore a witness with an interest in the outcome of the appeal. *USPAP* requires that such interests be disclosed. *USPAP Standards Rule 2-3, 2004 USPAP, Appraisal Institute, p. 31.* The witness failed to comply with the requirements of *USPAP*, and testified incorrectly that he was not required to do so.

A corporate officer or president is not, as such, qualified to testify as to value of corporate property. In order to qualify, he or she must be shown to be familiar with the property and have a knowledge of values generally in the vicinity. *Kohl's Dept. Stores v. Douglas County Bd. of Equal.*, 10 Neb.App. 809, 813 - 814, 638 N.W.2d 877, 881 (2002) (Citations omitted). There is no evidence that the Taxpayer's President is knowledgeable of values of golf courses generally in the vicinity. His opinion of value is neither clear nor convincing.

The Taxpayer failed to adduce clear and convincing evidence that the Board's decision was incorrect and either unreasonable or arbitrary. The Taxpayer also failed to adduce clear and

convincing evidence that the Board's determination of value was unreasonable.

G.
THE BOARD'S EVIDENCE

The Board determined that the subject property's actual or fair market value was \$394,000 as of the assessment date. (E1). The Assessor valued the subject property's improvements using the Cost Approach. The Replacement Cost New was calculated based on the actual costs incurred by the Taxpayer in developing the improvements indexed to January 1, 2003. (E21:4). The Assessor then calculated depreciation using the age-life method. The Assessor determined that the actual or fair market value of the subject property's improvements was \$401,225 under this approach as of the assessment date. (E21:4; E21:9 - 11).

The Assessor determined that the actual or fair market value of the subject property's land component was \$65,945. (E1; E21:5). The Board granted the Taxpayer's protest in part and reduced the assessed value to \$394,000. (E1). The Assessor recorded the reduction as a reduction in the assessed value of the golf course hole improvements. (E21:14; E21:5).

The Board adduced the testimony and written appraisal of a Nebraska credentialed real estate appraiser. (E22). The Appraiser's determination of the actual or fair market value for

the subject property as of the assessment date was \$440,000. (E22:31).

The Taxpayer adduced rebuttal evidence challenging this opinion of value. However, the Taxpayer adduced no clear and convincing evidence of value. The Taxpayer bears the burden of proof in an appeal from a protest heard by a County Board of Equalization. *Garvey Elevators, Inc., supra*. The Taxpayer has failed to meet its burden of proof. The Board's decision to grant the protest only in part must accordingly be affirmed.

VI. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Parties and over the subject matter of this appeal.
2. The Commission is required to affirm the decision of the Board unless evidence is adduced establishing that the Board's action was incorrect and either unreasonable or arbitrary. Neb. Rev. Stat. §77-5016(7) (Reissue 2003, as amended by 2003 Neb. Laws, L.B.973, §51).
3. The Board is presumed to have faithfully performed its official duties in determining the actual or fair market value of the property. The Board is also presumed to have acted upon sufficient competent evidence to justify its decision. These presumptions remain until the Taxpayer presents competent evidence to the contrary. If the

presumption is extinguished the reasonableness of the Board's value becomes one of fact based upon all the evidence presented. The burden of showing such valuation to be unreasonable rests on the Taxpayer. *Garvey Elevators, Inc. v. Adams County Board of Equalization*, 261 Neb. 130, 136, 621 N.W.2d 518, 523 (2001).

4. "Actual value" is defined as the market value of real property in the ordinary course of trade, or the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's-length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used. Neb. Rev. Stat. §77-112 (Reissue 2003).
5. A corporate officer or president is not, as such, qualified to testify as to value of corporate property. In order to qualify, he or she must be shown to be familiar with the property and have a knowledge of values generally in the vicinity. *Kohl's Dept. Stores v. Douglas County Bd. of Equal.*, 10 Neb.App. 809, 813 - 814, 638 N.W.2d 877, 881 (2002) (Citations omitted).

6. The Taxpayer has failed to adduce clear and convincing evidence that the Board's decision was incorrect and either unreasonable or arbitrary.
7. The Taxpayer has failed to adduce clear and convincing evidence that the Board's determination of value was unreasonable.
8. The Board's decision must be affirmed.

**VII.
ORDER**

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Pierce County Board of Equalization's Order setting the assessed value of the subject property for tax year 2003 is affirmed.
2. The Taxpayer's real property legally described as the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 26, Range 2, Pierce County, Nebraska, more commonly known as the Pierce Community Golf Course, shall be valued as follows for tax year 2003:

Land	\$ 65,945
Improvements	\$328,055
Total	\$394,000
3. Any request for relief by any Party not specifically granted by this order is denied.
4. This decision, if no appeal is filed, shall be certified to the Pierce County Treasurer, and the Pierce County Assessor,

pursuant to Neb. Rev. Stat. §77-5016(7) (Reissue 2003, as amended by 2003 Neb. Laws, L.B.973, §51).

5. This decision shall only be applicable to tax year 2003.

6. Each Party is to bear its own costs in this matter.

IT IS SO ORDERED.

Dated this 9th day of July, 2004.

Susan S. Lore, Commissioner

Mark P. Reynolds, Vice-Chair

SEAL

Wm. R. Wickersham, Chair