



STATE TAX COMMISSION OF MISSOURI

CHRISTINE ANN MILLER,)
)
Complainant,)
) Appeal No. 21-18460
v.) Parcel No. 20S630065
)
JAKE ZIMMERMAN, ASSESSOR,)
ST. LOUIS COUNTY, MISSOURI,)
)
Respondent.)

DECISION AND ORDER

Christine Ann Miller (Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at \$275,300 as of January 1, 2021. Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property as \$196,700 as of January 1, 2021. Complainant did not produce substantial and persuasive evidence establishing overvaluation. The BOE decision is affirmed. The TVM of the subject property as of January 1, 2021, is \$275,300.¹

The evidentiary hearing was held on September 29, 2022, via Webex. Complainant appeared *pro se*. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was

¹ Complainant timely filed a complaint for review of assessment. The State Tax Commission (STC) has authority to hear and decide Complainant's appeal. Mo. Const. art. X, sec. 14; Section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

represented by counsel, Tim Bowe. The case was heard and decided by Senior Hearing Officer Benjamin C. Slawson.

FINDINGS OF FACT

1. The Subject Property. The subject residential property consists of a single-family home located at 15004 Country Ridge Dr., Chesterfield, MO. The Parcel ID number is 20S630065.

Complainant estimated the lot size to be a quarter or a third of an acre and the square footage of the living space in the home to be around 2,100. The Dutch barn style house was built in 1976 and has 10 total rooms, including three bedroom and two and a half bathrooms. Complainant purchased the property in 1985. Complainant replaced the original cedar siding with vinyl siding in 2015. Complainant has not made any significant improvements to the house in the last three years.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was \$275,300 as of January 1, 2021. The BOE independently determined that the subject's appraised value as of January 1, 2021, was \$275,300.

3. Complainant's Evidence. Complainant introduced the following Exhibits which were all admitted without objection:

Exhibit	Description
A	Email from Complainant on September 23, 2022
B	Overview of Arguments for Appeal
C	Bid/Proposal from Foundation Recovery Systems dated 09/06/2022

Complainant testified that she believes Respondent overvalued the subject and that Respondent and the BOE's value of \$275,300 is unreasonable. Complainant stated that her opinion of value for the subject property is \$196,700, the same appraised value that Respondent assigned to the subject in 2019. Complainant asserted that the property suffers from the same issues that plagued the property in 2019, primarily the bowed basement wall. The bowing has caused a gap which has allowed vermin to enter the home. Complainant submitted a bid/proposal from Foundation Recovery Systems from September of 2022 to repair this problem, a total cost of \$20,507.47. The house has also settled causing problems. Some windows and doors stick and are extremely difficult to open.

Complainant took issue with Respondent's comparables used for assessment. She argued four of the five comparable properties Respondent used were unfair comparisons as they were all in quiet streets or cul-de-sacs unlike the subject, which is located on a busy thoroughfare. Complainant testified that unruly teenagers speed down her street and also have caused damage to her mailbox, landscape lights, and garage door. Complainant presented all of this evidence to the BOE at that hearing.

Complainant is not a licensed appraiser in the State of Missouri, nor does she have professional training in making market-based adjustments to comparable sales to determine the TVM of a subject property. Complainant presented all of this evidence to the BOE at that hearing.

4. Respondent's Evidence. Respondent introduced Exhibit 1, consisting of the October 29, 2021, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at \$275,300.

5. Value. The TVM of the subject property as of January 1, 2021, was \$275,300.

CONCLUSIONS OF LAW

1. Assessment and Valuation. Residential real property is assessed at 19% of its TVM as of January 1 of each odd-numbered year. Sections 137.115.1; 137.115.5(1)(a). The TVM is "the fair market value of the property on the valuation date[.]" *Snider v. Casino Aztar/Aztar Mo. Gaming Corp.*, 156 S.W.3d 341, 346 (Mo. banc 2005) (internal quotation omitted). The fair market value is "the price which the property would bring from a willing buyer when offered for sale by a willing seller." *Mo. Baptist Children's Home v. State Tax Comm'n*, 867 S.W.2d 510, 512 (Mo. banc 1993). "True value in money is defined in terms of value in exchange not value in use." *Tibbs v. Poplar Bluff Assocs. I, L.P.*, 599 S.W.3d 1, 7 (Mo. App. S.D. 2020) (internal quotation omitted). The TVM "is a function of [the property's] highest and best use[.]" *Snider*, 156 S.W.3d at 346. "Determining the true value in money is an issue of fact for the STC." *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008).

"For purposes of levying property taxes, the value of real property is typically determined using one or more of three generally accepted approaches." *Snider*, 156 S.W.3d at 346. The three generally accepted approaches are the cost approach, the income approach, and the comparable sales approach. *Id.* at 346-48. The STC has wide discretion in selecting the appropriate valuation method but "cannot base its decision on opinion evidence that fails to consider information that should have been considered under a particular valuation approach." *Id.*, at 348.

The comparable sales approach “is most appropriate when there is an active market for the type of property at issue such that sufficient data are available to make a comparative analysis.” *Snider*, 156 S.W.3d at 348. For this reason, the comparable sales approach is typically used to value residential property. “The comparable sales approach uses prices paid for similar properties in arms-length transactions and adjusts those prices to account for differences between the properties.” *Id.* at 347-48 (internal quotation omitted). “Comparable sales consist of evidence of sales reasonably related in time and distance and involve land comparable in character.” *Id.* at 348.

2. Evidence. The hearing officer is the finder of fact and determines the credibility and weight of the evidence. *Kelly v. Mo. Dep't of Soc. Servs., Family Support Div.*, 456 S.W.3d 107, 111 (Mo. App. W.D. 2015). “Although technical rules of evidence are not controlling in administrative hearings, fundamental rules of evidence are applicable.” *Mo. Church of Scientology v. State Tax Comm'n*, 560 S.W.2d 837, 839 (Mo. banc 1977).

3. Complainant’s Burden of Proof. The taxpayer bears the burden of proof and must show by a preponderance of the evidence the property is overvalued. *Westwood P'ship v. Gogarty*, 103 S.W.3d 152, 161 (Mo. App. E.D. 2003). The BOE's valuation is presumptively correct. *Tibbs*, 599 S.W.3d at 7. The “taxpayer may rebut this presumption by presenting substantial and persuasive evidence that the valuation is erroneous.” *Id.* (internal quotation omitted). The taxpayer also must prove “the value that should have been placed on the property.” *Id.* “Substantial evidence is that evidence which, if true, has probative force upon the issues, and from which the trier of fact can reasonably decide the case on the fact issues.” *Savage v. State Tax Comm'n*, 722 S.W.2d 72, 77 (Mo. banc 1986)

(internal quotation omitted). Evidence is persuasive when it has "sufficient weight and probative value to convince the trier of fact." *Daly v. P.D. George Co.*, 77 S.W.3d 645, 651 (Mo. App. E.D. 2002); *see also White v. Dir. of Revenue*, 321 S.W.3d 298, 305 (Mo. banc 2010) (noting the burden of persuasion is the "party's duty to convince the fact-finder to view the facts in a way that favors that party").

Property owners are competent to testify to the reasonable fair market value of their property. *Cohen*, 251 S.W.3d at 348. However, if owner's testimony is based on "improper elements or an improper foundation[.]" it is not substantial and persuasive evidence rebutting the presumptively correct BOE value. *Id.* at 349.

4. Complainant Did Not Produce Substantial and Persuasive Evidence of Overvaluation.

Complainant did not produce substantial and persuasive evidence to support her \$196,700 opinion of value. Complainant introduced no evidence pertaining to a recognized valuation method. Complainant did not produce any evidence supporting a comparable sales approach, income approach, or cost approach.

The comparable sales approach is typically used to value residential properties improved with a single-family home. "The comparable sales approach uses prices paid for similar properties in arms-length transactions and adjusts those prices to account for differences between the properties." *Snider*, 156 S.W.3d at 347-48 (internal quotation omitted). Complainant did not offer any comparable sale data for consideration. Complainant did not offer testimony of an appraiser, nor an appraisal of the property as evidence of the TVM of the property as of January 1, 2021. Therefore, Complainant did

not produce substantial and persuasive evidence showing that the subject property was overvalued based on comparable sales data.

Complainant took issue with Respondent's comparable sales used to assess the subject property, arguing that they were not located on the same busy street or differed in some other characteristic. However, the comparable sales used by Respondent were not identified by either party, and there is no exhibit in evidence providing a listing of such sales or the characteristics of these properties. Additionally, Complainant offered no evidence showing that Respondent did not make appropriate market-based adjustments for value considering the differing characteristics between these properties and the subject when determining the TVM of the subject as of January 1, 2021.

Complainant also testified that she believes that Respondent overvalued her property due to the fact that her house is showing some wear and settling with age and the house is in need of repairs, particularly the bowed wall in the basement which has allowed vermin to enter the home. However, Complainant neither demonstrated that the BOE's valuation fails to take into account these issues when it valued the subject. Additionally, while Complainant offered an estimate from a contractor to repair these issues, Complainant did not provide proof of the specific monetary impact that these condition issues have on the TVM of the subject property as of the valuation date, January 1, 2021.

Complainant did not produce substantial and persuasive evidence showing that the BOE's value was incorrect. Further, Complainant's testimony does not provide the necessary foundation and elements to support her overvaluation claim. Complainant admitted she is neither a certified appraiser, nor does she have experience in appraising

properties to determine the TVM of a subject property. Because the STC “cannot base its decision on opinion evidence that fails to consider information that should have been considered” under a recognized approach to value, *Snider*, 156 S.W.3d at 348, the BOE decision is affirmed.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2021 is \$275,300, with an assessed value of \$52,307.

Application for Review

A party may file an application for review of this decision within 30 days of the mailing date set forth in the certificate of service for this decision. The application "shall contain specific detailed grounds upon which it is claimed the decision is erroneous." Section 138.432. The application must be in writing, and may be mailed to the State Tax Commission of Missouri, P.O. Box 146, Jefferson City, MO 65102-0146, or emailed to Legal@stc.mo.gov. A copy of the application must be sent to each person listed below in the certificate of service. ***Failure to state specific facts or law upon which the application for review is based will result in summary denial.*** Section 138.432.

Disputed Taxes

The Collector of St. Louis County, and the collectors of all affected political subdivisions therein, shall continue to hold the disputed taxes pending the possible filing of an application for review, unless the disputed taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

SO ORDERED March 10, 2023.

Benjamin C. Slawson
Senior Hearing Officer
State Tax Commission

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on March 10, 2023, to: Complainant(s) and/or Counsel for Complainant(s), the County Assessor and/or Counsel for Respondent and County Collector.

Amy S. Westermann
Chief Counsel