



# STATE TAX COMMISSION OF MISSOURI

J.C. PENNEY PROPERTIES, INC.	)	Appeal No. 19-32045 and 21-32091
& CTL PROPCO 1 LLC,	)	Parcel/locator No(s): 14317000101200
	)	
	)	
Complainant(s),	)	
	)	
v.	)	
	)	
TRACY BALDWIN, ASSESSOR,	)	
CLAY COUNTY, MISSOURI,	)	
Respondent.	)	

## DECISION AND ORDER

J.C. Penney Properties, Inc. and CTL Propco 1 LLC (Complainant) appeals the Clay County Board of Equalization's (BOE) decisions finding the true value in money (TVM) of the subject property on January 1, 2019, was \$5,486,600 and on January 1, 2021, was \$5,486,600.<sup>1</sup> Complainant claims the property is overvalued and proposes a TVM of \$3,650,000 on January 1, 2019, and \$3,920,000 on January 1, 2021. Complainant did not

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<sup>1</sup> The two appeals were consolidated through an Order of the SHO for administrative efficiency and convenience for the parties.

produce substantial and persuasive evidence establishing overvaluation. The BOE's decisions are affirmed.<sup>2</sup>

Complainant was represented by counsel, Jerome Wallach. Respondent was represented by counsel, Lucas Wallingford. The evidentiary hearing was conducted on October 6, 2022, via WebEx. The parties submitted post hearing briefs which are incorporated into the record.

### **FINDINGS OF FACT**

**1. Subject Property.** The subject property is located at 8100 N Flintlock Rd., Kansas City, Clay County, Missouri. The parcel/locator number is 14317000101200.

The subject property consists of an approximately 103,525 square-foot retail building on an approximately 8.96 acre lot. It was built in 2007, intended for a single tenant/user. The subject property was occupied on January 1, 2019, and January 1, 2021, by a J.C. Penney Store.

**2. Respondent and BOE.** Respondent classified the subject property as commercial and determined the TVM on January 1, 2019, was \$6,152,300. The BOE classified the subject property as commercial and independently determined the TVM on January 1, 2019, was \$5,486,600. Respondent classified the subject property as commercial and determined the TVM on January 1, 2021, was \$5,486,600. The BOE classified the subject

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<sup>2</sup> 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, Section 14; section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

property as commercial and independently determined the TVM on January 1, 2021, was \$5,486,600.

### **3. Summary of Complainant's and Respondent's Post Hearing Briefs.**

Complainant asserts two points in its initial brief. First, Respondent's sole witness, Grant Knauff, is not a licensed appraiser and Respondent's Exhibit 2 denotes or fails to comply with, or with, USPAP standards. (Brief at 2-3) Second, Complainant's reports were in full compliance with USPAP standards. (Brief at 3-4)

In response to Complainant, Respondent argues the reports "do not assert to be, and do not need to be, USPAP compliant. This is because the statute also provides an exemption from that requirement for those local government employees who value real estate as part of their employment." (*citing* Section 339.501.5) (Resp. Reply Brief at 2) Respondent objects to Complainant's reports due to factual and methodological errors in that the property was transferred to an entirely different owner (CTL Propco 1 LLC) and Complainant's appraiser should have analyzed that sale under USPAP and that the appraiser performed this appraisal in 2019 and 2021 for the same Complainant and did not disclose this, in violation of USPAP. (Resp. Reply Brief at 4) Finally, Respondent analyzes Complainant's evidence in light of its approach and dark store theory, concluding "Complainant's speculative and unreliable approach has never been adopted in Missouri and directly conflicts with Missouri law". (Resp. Reply Brief at 12)

Complainant's Reply Brief asserts that USPAP does apply to Respondent and Respondent failed to adhere to USPAP standards. Complainant states any "finding that USPAP standards do not apply to Respondent's opinions, leads to the conclusion that any

employee of an Assessor’s office may utter an opinion devoid of foundation and in the absence of any standards.” (Comp. Reply Brief at 2)

Respondent’s Reply Brief asserts that the evidence offered was in defense of the BOE’s valuations. Respondent argues the evidence conforms to standards of “appraisal methodology itself and not the professional rules of conduct applicable to certified and licensed appraisers—which would be USPAP.” (Resp. Reply Brief to Comp. Reply at 3) Secondly, Respondent asserts that Complainant failed to analyze the exchange of the property and the value placed on subject property by Complainant of \$11,195,000 evidenced in Exhibit 4. (Resp. Reply Brief to Comp. Reply at 4-5)

**4. Complainant's Evidence.** Complainant presented Written Direct Testimony (WDT) of appraiser Laurence Allen and the following exhibits:

Exhibit	Description	Ruling
19-32045 A	WDT Allen	Admitted
19-32045 B	Appraisal Allen	Admitted
21-32091A	WDT Allen	Admitted
21-32091B	Appraisal Allen	Admitted

Respondent’s written objections and Complainant’s responses to the objections were taken with the case. Respondent’s objections regarding the appraisal methods utilized within any exhibit are overruled as the objections concern the weight of the evidence. Respondent’s objections regarding receiving discovery are overruled, as Complainant’s response states that Complainant supplied the information and several pre-trial discovery Orders were issued regarding information, to which the parties resolved prior to the

evidentiary hearing. The evidence submitted is admitted and is given the weight deemed appropriate.

Mr. Allen is a MAI certified appraiser licensed in Missouri and other states. Mr. Allen testified he conducted two appraisals for Complainant, one for 2019 and one for 2021. He testified his TVM of the subject property as January 1, 2019, was \$3,650,000. He testified his TVM of the subject property as January 1, 2021, was \$3,920,000. Mr. Allen developed his TVM from the sales comparison and income approaches, the cost approach was not developed. Mr. Allen relied on the sales comparison approach as the primary indicator of value, but also relied on the income approach as a supportive, equally-reliable indicator of value.

Mr. Allen presented in his reports a detailed analysis of the market and concluded the subject property was in an active and stable market, with a population in the growth stage, higher median incomes than state and national averages, and a growing Metropolitan Statistical Area (MSA) economy. (Exhibit B at 22 and 23; respectively) Mr. Allen's appraisal indicates that there have been numerous store closings and bankruptcies as a trend in the U.S., but did not in his report indicate any effect on the Kansas City area or Clay County, specifically. (Exhibit B at 54-61 and 55-62; respectively) He presented no evidence regarding the subject property being a part of a bankruptcy or ownership being transferred as a result of said bankruptcy in either report. His 2021 report makes mention of COVID-19 effects on the economy in 2020, regarding increased unemployment.

Mr. Allen testified he developed a "fee simple" market value. Mr. Allen's report considered the highest and best use applies to use of the site "as though vacant" and when

the site contains improvements, “the highest and best use may be different from the existing use.” (Exhibit B at 60 and 63; respectively) Mr. Allen testified that his analysis is a “fee simple” hypothetical because the property at the time of sale is presumed vacant. (Tr. at 54:30) Mr. Allen’s appraisal report indicates he considered the highest and best use of the subject property to be retail use. (Exhibit B)

Under the sales comparison approach, for 2019, Mr. Allen used five recent sales of retail properties in major metropolitan areas in Illinois, Kansas, Missouri, Tennessee, and Oklahoma. (Exhibit B at 63) Under the sales comparison approach, for 2021, Mr. Allen used six recent sales of retail properties in major metropolitan areas in Kansas, Missouri, and Oklahoma. (Exhibit B at 68) Between the two reports, he utilized three comparable sales in both appraisals.

For both appraisals, the sales are similar in size and type of community and they differ from the subject in age (years built ranging from 1969 – 2005/2006) and location. (Exhibit B at 65, 68; respectively) For 2019, the range of sales price per square-foot were \$18.71 - \$48.10. (Exhibit B at 65) For 2021, the range of sales price per square-foot were \$11.82 - \$48.10. (Exhibit B at 68) For both tax appeal years, Mr. Allen made positive or negative adjustments to each sale to account for differences with the subject, with specific adjustments for property rights transferred, financing terms, conditions of sale, market conditions, size, arterial attributes, demographic attributes, neighborhood characteristics, and age/condition. (Exhibit B) The market conditions adjustment is a factor he established based on his examination of market sales, reviewed market publications, changing market factors, and broker interviews. (Exhibit B at 72-76, 77 – 80; respectively) For 2019, the

final adjusted square-foot was \$35, which resulted in a value of \$3,620,000 (rounded). (Exhibit B at 84) For 2021, the final adjusted square-foot was \$37.50, which resulted in a value of \$3,880,000 (rounded). (Exhibit B at 88)

Under the income approach, Mr. Allen utilized the same four rent comparables in Missouri in both reports. Mr. Allen made adjustments for market conditions, size and retail submarkets, to find an average lease per square-foot. (Exhibit B at 90, 94; respectively) Mr. Allen utilized various surveys to conclude a capitalization rate of 8.5%, overall 8.67% loaded with a .165% tax load. (Exhibit B at 97-98, 101-102; respectively) Mr. Allen calculated an NOI, which resulted in his value conclusion of \$3,790,000 on January 1, 2019, and \$4,090,000 on January 1, 2021, under the income approach.

**5. Respondent's Evidence.** Respondent submitted WDT of Grant Knauff and exhibits concluding the TVM of the subject property on January 1, 2019, and January 1, 2021, was \$5,486,600. Respondent submitted the following exhibits:

Exhibit	Description	Ruling
19-32045 1	Property Record Card	Admitted
19-32045 2	Appraisal Report 2019 (and appendix)	Admitted
21-32091 1	Property Record Card	Admitted
21-32091 2	Appraisal Report 2021 (and appendix)	Admitted
21-32091 3	Kroll Article Regarding Bankruptcy	Admitted
21-32091 4	SEC Form 10	Admitted

Mr. Knauff is an employee of Clay County Assessor's office. Mr. Knauff developed the cost, sales comparison, and income approaches to value to conclude a reconciled TVM of the subject property, as of January 1, 2019, and January 1, 2021, of \$6,456,894. (WDT, Exhibits 2) Mr. Knauff testified at the hearing his cost and income approaches were relied

on and although the sales comparison approach was developed, it was ultimately not given much weight. Mr. Knauff indicated his approaches were supported by appraisal principals, utilizing current market conditions in Kansas City, adjusting for time to determine valuations for both January 1, 2019 and January 1, 2021. (WDT)

Regarding the 2021 appeal, Respondent submitted Exhibits 3 and 4. Exhibit 3 details information that the store was sold as part of a bankruptcy sometime between 2019 and 2021. Exhibit 4 is an SEC Form for the Successor Complainant Owner of the subject property which is used to register a company to trade securities. Mr. Knauff testified Exhibit 4 shows that the Complainant values the property at \$14,820,000. (WDT and Exhibit 4)

**6. Value.** The TVM of the subject property on January 1, 2019 and January 1, 2021, was \$5,486,600.

**7. No Evidence of New Construction and Improvement.** There was no evidence of new construction and improvement from January 1, 2019, to January 1, 2020, therefore the assessed value for 2019 remains the assessed value for 2020. There was no evidence of new construction and improvement from January 1, 2021, to January 1, 2022, therefore the assessed value for 2021 remains the assessed value for 2022. Section 137.115.1.

## **CONCLUSIONS OF LAW**

### **1. Assessment and Valuation**

Pursuant to Article X, Sections 4(a) and 4(b), Mo. Const. of 1945 real property and tangible personal property is assessed at its value or such percentage of its value as may be fixed by law for each class and for each subclass. Article X, Sections 4(a) and 4(b), Mo.



Const. of 1945. Commercial real property is assessed at 32% of its TVM as of January 1 of each odd-numbered year. Section 137.115.5(1)(c). "True value in money is the fair market value of the property on the valuation date, and is a function of its highest and best use, which is the use of the property which will produce the greatest return in the reasonably near future." *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). Determining the TVM is a factual issue for the STC. *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008). The "proper methods of valuation and assessment of property are delegated to the Commission." *Savage v. State Tax Comm'n*, 722 S.W.2d 72, 75 (Mo. banc 1986).

"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; *see also St. Louis Cty. v. Sec. Bonhomme, Inc.*, 558 S.W.2d 655, 659 (Mo. banc 1977).

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.

The income approach "is most appropriate in valuing investment-type properties and is reliable when rental income, operating expenses and capitalization rates can reasonably be estimated from existing market conditions." *Snider*, 156 S.W.3d at 347. "The income approach determines value by estimating the present worth of what an owner will likely receive in the future as income from the property." *Id.* "The income approach is based on an evaluation of what a willing buyer would pay to realize the income stream that could be obtained from the property when devoted to its highest and best use." *Id.* (internal quotation omitted). "When applying the income approach to valuing business property for tax purposes, it is not proper to consider income derived from the business and personal property; only income derived from the land and improvements should be considered." *Id.*

## **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). The finder of fact in an administrative hearing determines the credibility and weight of expert testimony. *Hornbeck v. Spectra Painting, Inc.*, 370 S.W.3d 624, 632 (Mo. banc 2012). "It is within the purview of the hearing officer to determine the method of valuation to be adopted in a given case." *Tibbs v. Poplar Bluff Assocs. I, L.P.*, 599 S.W.3d 1, 9 (Mo. App. S.D. 2020). The hearing officer "may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to

the valuation, subclassification or assessment of the property." Section 138.430.2. The Hearing Officer's decision regarding the assessment or valuation of the property may be based solely upon his inquiry and any evidence presented by the parties, or based solely upon evidence presented by the parties. *Id.*

### **3. Complainant's Burden of Proof**

The BOE's valuation is presumptively correct. *Rinehart v. Laclede Gas Co.*, 607 S.W.3d 220, 227 (Mo. App. W.D. 2020). To prove overvaluation, a taxpayer must rebut the BOE's presumptively correct valuation and prove the "value that should have been placed on the property." *Snider*, 156 S.W.3d at 346. The taxpayer's evidence must be both "substantial and persuasive." *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*, 722 S.W.2d at 77 (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"). A taxpayer does not meet his burden if evidence on any essential element of his case leaves the STC "in the nebulous twilight of speculation, conjecture and surmise." *See, Rossman v. G.G.C. Corp. of Missouri*, 596 S.W.2d 469, 471 (Mo. App. 1980).

#### **4. Complainant Did Not Prove Overvaluation.**

Complainant's testimony and exhibits are not substantial and persuasive evidence to rebut the BOE. Complainant developed the income and sales comparison approaches and did not develop the cost approach.

##### **Comparable Sales Approach**

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. Comparable sales consist of evidence of sales reasonably related in time and distance and involve land comparable in character. This approach is most appropriate when there is an active market for the type of property at issue such that sufficient data is available to make a comparative analysis. *Snider at 341, 347*. Complainant's comparable sales approach analyzed only vacant properties, and Complainant's appraiser testified his preference for this was because these were truly "fee simple" sales.

The meaning of fee simple is a legal definition regarding the bundle of rights attached to a property. Respondent's Post Hearing Brief highlights several concepts from Missouri law regarding fee simple. "The term fee simple is a property rights concept that does not mean vacant or unencumbered by a lease—and it is not a value concept to be used interchangeably with market value. While ownership of property does carry with it the

various enumerated rights to that property, the term fee refers to the claim to a property's legal title of ownership—called an 'estate.'" (Respondent's Post-Hearing Brief at 6).<sup>3</sup>

Therefore, Missouri law defines fee simple as a land interest with possible indefinite duration of an entire title. Respondent argues that "while the objective of the tax assessment for real property is to value what may, effectively, be the fee simple interest of the subject property, neither appraisal authority, nor the law, have ever defined fee simple to exclude literally all other interests in real estate as "encumbrances." (Respondent's Post-Hearing Brief at 8)<sup>4</sup>

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<sup>3</sup> Respondent cites the following law in reference to the sentence on page 6 of the Brief: *See A. P. Green Fire Brick Co. v. Missouri State Tax Commission*, 277 S.W.2d 544, 547 (Mo. 1955) ("In a legal sense the property in the thing, spoken of as 'a thing owned,' is really the bundle of rights (and duties) incident to the ownership of the thing, including the right to control and use it."). *See Kan. City Area Transp. Auth. v. Donovan*, 601 S.W.3d 262, 271-272 (Mo. App. 2020) ("the grant of an easement no title passes [.]"; see also Black's Law Dictionary (11th ed. 2019) (defining "title" as "the legal link between a person who owns property and the property itself.")) (Internal citations omitted.). *See also Carolan v. Nelson*, 226 S.W.3d 923, 926 (Mo. App. 2007) ("Equitable title is the right in the party to whom such title belongs to have the legal title transferred to him upon the performance of a specified condition.") *See Vaughan v. Compton*, 235 S.W.2d 328, 331 (Mo. 1950) ("It is the rule in Missouri that a devise of land which is in no wise limited as to enjoyment or duration, and which carries with it an absolute power and 'right to sell, use or otherwise dispose of said property' conveys a fee simple title. [...] comprehends an absolute estate in perpetuity, and is potentially infinite. In modern concepts these several terms, 'fee', 'fee simple', and 'fee simple absolute' are substantially synonymous.") (Emphasis added, internal citations omitted.)

<sup>4</sup> Respondent cites the following law in reference to the sentence on page 8 of the Brief: *See Nance v. State Tax Comm.*, 18 S.W.3d 611, 613 (Mo. App. 2000). *See The Appraisal Institute, The Appraisal of Real Estate*, 662-663 (14th ed. 2013) ("Other encumbrances such as easements, mortgages, and special occupancy or use requirements should also be identified and explained in relation to the defined value to be developed."). Strictly speaking, even an *option* to renew a lease is an *encumbrance*. *See Land Clearance for Redevelopment Corp. v. Doernhoefer*, 389 S.W.2d 780, 785 (Mo. 1965).

Courts have addressed a leasehold's non-impact on the transferability of a fee simple estate, stating, "Cases and treatises frequently describe a conveyance of real estate subject to a leasehold estate as a conveyance of a 'remainder' interest, *notwithstanding that fee simple title is what is conveyed.*" *Cooper v. Ratley*, 916 S. W.2d 868, 870 n. 3 (Mo. App. 1996) (emphasis added). The STC has recently decided *St. Louis BOA Plaza, LLC, et al. v. Stephen Conway, Assessor, City of St. Louis*, 17-20066, 17-20067, and 17-20068 (2019) and the Commission, in affirming the decision of the senior hearing officer, stated:

"The assessor values property in fee simple interest. An estate in fee simple is ownership of all the rights in a property. A lease conveys property rights to another. The tenant receives a leasehold interest that allows the tenant the right to use and occupy the property under conditions. *The fee ownership remains with the owner of the property.* For ad valorem purposes, the property to be assessed consists of the land and improvements and the possessory interests in the property. Section 137.115.1 RSMo. In most cases, the value of the leased fee and the value of the leasehold should approximate the value of the fee simple unencumbered by a lease." (emphasis added).

In sum, a lease is one aspect of a comparable property, for which adjustments can be made within any appraisal method. "While the Commission has some discretion in deciding which approach best estimates the value of a particular property," the Commission's choice of valuation approach "must comply with the law, and once the Commission decides to use a particular approach, it must apply that approach properly and consider all relevant factors." *Parker v. Doe Run Co.*, 553 S.W.3d 356, 360 (Mo. App. S.D. 2018). Mr. Allen's comparable sales are all vacant at the time of sale (except one which was 30% occupied and used in both reports). Mr. Allen made an adjustment downward to account for the lease. An assumption that a vacant property is the best or most accurate measure for a value of the subject property doesn't equate to evidence. The present record

shows that Mr. Allen can make adjustments to leased comparables, then he can and should make adjustments for a vacancy or owner occupied status. The present record contains no evidence to support the theory. In sum, failure to examine entire categories of sales in preference of another type, although a matter of professional preference, is speculative and is not substantial and persuasive evidence of value. Failure to make proper adjustments to the comparables sales leads to the speculative nature and unpersuasive effect of the appraisal.

### **Income Approach**

The income approach determines value by estimating the present worth of what an owner will likely receive in the future as income from the property. The income approach is based on an evaluation of what a willing buyer would pay to realize the income stream that could be obtained from the property when devoted to its highest and best use.

When applying the income approach to valuing business property for tax purposes, it is not proper to consider income derived from the business and personal property; only income derived from the land and improvements should be considered. This approach is most appropriate in valuing investment-type properties and is reliable when rental income, operating expenses and capitalization rates can reasonably be estimated from existing market conditions. The initial step in applying the income approach is to find comparable rentals and make adjustments for any differences. *Snider*, at 341, 347 (citations omitted). Mr. Allen's approach here fails due to the nature of the four chosen rent comparables being generally "inferior" in quality, smaller in size, and older in age than the subject property. (Exhibit B at 89, 93; respectively) Mr. Allen's income approach adjusts for market

conditions, but this adjustment, as defined by him, was based on his examination of market sales, national market publications, changing market factors (including vacancy) over time, and broker interviews. Usage of national data should be adjusted for the submarket, but throughout his report, Mr. Allen dismisses the Kansas City area data in preference for national data. For example regarding vacancy, he states, in relation to the Kansas City CBRE and COSTAR data, “because of the subject size, design, and location, it is subject to more vacancy risk than the typical and average retail property in the market”. (Exhibit B at 92, 95; respectively) This conclusion is speculative, especially when the data for Kansas City (including COSTAR, CBRE, Block and Company) was generally better than national (2% in Kansas City versus the 5% vacancy and loss figures used by the Complainant). Mr. Allen’s appraisal indicates that there have been numerous store closings and bankruptcies as a trend in the U.S., but no data was presented regarding the effect on the Kansas City area or Clay County, or even more specifically, the subject property. To allude to a distressed and risky market and not analyze a bankruptcy and change or transfer of ownership within the 2021 appraisal further undermines the evidence Complainant presented. The income approach “is reliable when rental income, operating expenses and capitalization rates can reasonably be estimated from existing market conditions.” *Id.* at 347. Overall, Complainant’s failure to utilize local data when establishing market adjustments and usage of dissimilar rent comparables led to an income approach that is not reliable under *Snider*. Market rents for the subject cannot be reasonably be estimated from existing market conditions based on Complainant’s analysis. Complainant’s income approach does not produce substantial and persuasive evidence to rebut the BOE’s



determination of value and to indicate what should have been the TVM for the subject property under both tax years 2019 and 2021.

Respondent, although not required to, presented evidence that supported the BOE's valuations and serves to reinforce the BOE's decisions on TVMs.

### **CONCLUSION AND ORDER**

The BOE decision is affirmed. The TVMs of the subject property as of January 1, 2019, was \$5,486,600, and January 1, 2021, was \$5,486,600.

### **Application for Review**

A party may file with the Commission 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, 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 Clay County, as well as 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 said taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

SO ORDERED September 22, 2023.  
STATE TAX COMMISSION OF MISSOURI

ERICA M. GAGE  
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, September 22, 2023, to:

Complainant(s) and/or Counsel for Complainant(s), the County Assessor and/or Counsel for Respondent and County Collector.

Stacy M. Ingle  
Legal Assistant