



# STATE TAX COMMISSION OF MISSOURI

CHRISTINE SOMMER, )  
 )  
 Complainant, )  
 ) Appeal No. 23-32545  
 v. ) Parcel No. 452911A002  
 )  
 TRAVIS WELGE, ASSESSOR, )  
 ST. CHARLES COUNTY, MISSOURI, )  
 )  
 Respondent. )

## DECISION AND ORDER

Christine Sommer (Complainant) appeals the St. Charles County Board of Equalization's decision valuing the subject residential property at \$290,040 as of January 1, 2023. Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property as \$240,000 as of January 1, 2023. The BOE decision is affirmed.<sup>1</sup>

The evidentiary hearing was held on August 8, 2024, via Webex. Complainant appeared pro se. Respondent was represented by counsel, Michael Mueth. The appeal was heard and decided by Senior Hearing Officer Todd D. Wilson.

---

<sup>1</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, sec. 14; Section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

## FINDINGS OF FACT

**1. The Subject Property.** The subject residential property consists of a 0.48 acre lot improved with a single family home located at 6 Williamsburg Ct., St. Charles, Missouri. The house is approximately 43 years old and has 2,400 square feet of above grade living space over a full basement.

**2. Assessment and Valuation.** Respondent determined that the subject property's value as of January 1, 2023, was \$290,040. The BOE determined the subject property's appraised value as of January 1, 2023, was \$290,040.

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

<b>Exhibit</b>	<b>Description</b>
A	25 pages title Assessment Appeal 2023
B	Kitchen appliance package at Lowe's
C	MH Contracting Proposal
D	Information titled New Comparisons
E	HVAC Proposal
F	Home Depot - Cart

Complainant introduced Exhibit A consisting of 25 pages of argument and photos showing the condition of the property, a listing of repairs and information regarding comparison properties. Complainant also introduced Exhibit B, information from Lowe's regarding new appliances and the cost of the appliances. Complainant introduced Exhibit C, a written proposal from MH Contracting LLC for remodeling the residence. Exhibit D is 11 pages going through differences between the subject property and the comparable properties given to her by Tom Babb from St. Charles County. Exhibit E is a proposal from Air Comfort Service for replacement of the HVAC

system in the subject property with 4 equipment options and various available enhancements and accessories. Exhibit F was a listing from Home Depot of new appliances.

**4. Respondent's Evidence.** Respondent introduced Exhibit 1, an Appraisal Report prepared by Jeff Duecker, a Missouri Certified Residential Real Estate Appraiser. Mr. Duecker testified that he had prepared the Appraisal in accordance with his experience and training. Mr. Duecker stated that the Income approach was considered but because of the nature of the property and lack of rental information, it was not developed. He explained that in St. Charles County, the prices of residential real estate has been consistently increasing as there is more demand for homes than there is supply of homes.

Mr. Duecker developed the Cost approach to value for the property. After accrued depreciation of the property, the value of the property in accordance with the cost approach was \$348,704.

Mr. Duecker further developed the Sales Comparison approach. He stated that an Extraordinary Assumption had to be made regarding the condition of the property as the home owner did not allow an interior inspection. If the condition of the interior property was consistent with the exterior, it would be in Average Condition. He then valued the property in average condition. Mr. Duecker's opinion of value in Average Condition was \$325,000. Mr. Duecker further testified that if the repairs and remodeling set out in Complainant's Exhibits were completed, the property would be in Good or Superior Condition and the market value of the property would be higher.

The cost approach and sales comparison approach were then reconciled with a final opinion of value of the property at \$325,000. Exhibit 1 was admitted without objection.

**5. Value.** The TVM of the subject property as of January 1, 2023, was \$290,040.

## 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).

The TVM of a property is typically determined by the sales comparison approach, the income approach, or the cost approach. *Snider v. Casino Aztar/Aztar Missouri Gaming Corp.*, 156 S.W.3d at 346-48.

**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 factfinder 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 proposes a value of \$240,000 for the property. This was derived from considering the deferred maintenance of the property and a listing of sales. Complainant did not produce substantial and persuasive evidence rebutting the presumptively correct BOE value. Complainant did not produce evidence supporting a comparable sales approach, income approach, or cost approach to value.

Complainant testified about the repairs and upgrades which are evidenced in her Exhibits. Complainant provided a list of sales of properties and listed differences with the subject property, but there is no analysis as to the adjustments that would need to be made to value the subject

property due to those differences. “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). The comparable sales approach requires sales. *Id.* Therefore, the information provided does not persuasively and substantially show overvaluation.

Neither Complainant's exhibits nor her testimony utilized the comparable sales approach, income approach, or cost approach to support her proposed value. The lack of evidence relating to a recognized valuation method renders Complainant's proposed value speculative and unpersuasive. *See Cohen*, 251 S.W.3d at 349 (holding an opinion of value loses probative value when based on an improper foundation). Complainant did not produce substantial and persuasive evidence showing the BOE overvalued the subject property and "the value that should have been placed on the property." *Tibbs*, 599 S.W.3d at 7.

### **CONCLUSION AND ORDER**

Complainant did not produce substantial and persuasive evidence of overvaluation. The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was \$290,040.

### **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](mailto: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. Charles 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 November 15th, 2024.  
STATE TAX COMMISSION OF MISSOURI

Todd D. Wilson  
Senior Hearing Officer

### Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on November 15th, 2024, to:

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

Stacy Ingle  
Legal Assistant