



STATE TAX COMMISSION OF MISSOURI

SHIRLEY L. BICE,)	
)	
Complainant,)	
)	Appeal No. 23-110269
v.)	Parcel No. 26X530032
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Shirley L. Bice (Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at \$592,500 as of January 1, 2023. Complainant alleges overvaluation and asserts in the Complaint for Review the true value in money (TVM) of the subject property as \$484,000 as of January 1, 2023. 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, 2023, is \$592,500.¹

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.

The evidentiary hearing was held May 20, 2025, via Webex. Complainant appeared *pro se* via phone. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Steve Robson. 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 ranch home built in 1974 on a lot located at 3603 Allenton Rd., Pacific, MO Pacific, MO 63069. The Parcel ID number is 26X530032. The total living space in the home is 2,856 square feet consisting of a living room, dining room, family room, small kitchen, laundry room, four bedrooms and two and a half small bathrooms.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was \$643,400 as of January 1, 2023. The BOE independently determined that the subject's appraised value as of January 1, 2023, was \$592,500.

3. Complainant's Evidence. Complainant introduced the following Exhibits:

Exhibit	Description
A	Photos and Comparables – 66 pages containing contractor bids, several photographs of the subject, and information from MARIS regarding the comparables used by Respondent for the 2023 Assessment.

Respondent objected to Pages 40-66 of Exhibit A as containing hearsay information from MARIS. The objection was overruled as to admissibility, and the entirety of Exhibit A is admitted and given the weight deemed appropriate.

Complainant testified that her opinion of value for the subject property is \$484,000 which she estimated based on the aged, outdated condition of the home. Complainant admitted that this was just an estimate and that she did not know the true market value of the subject as of the assessment date.²

Complainant asserted that the property is 51 years old and that everything needs to be replaced or updated in the home: doors, windows, HVAC, bathrooms. She stated that nothing has been upgraded and that everything is original in the home. Complainant also mentioned the dilapidated condition of features in the home, including the carpeting in two bedrooms, living room, and family room which is 20 years old. The driveway and brick work on the exterior portion around the home is also in bad shape. Complainant submitted photos and estimates in Exhibit A in support of these issues regarding the condition of the house.

Complainant sent all of this evidence to the BOE but unfortunately had the COVID-19 virus at the time of the hearing. Because she was ill, she was unable to appear at the hearing. Last, Complainant mentioned that she paid more taxes in 2024 than she paid under protest for 2023 but did not understand why.

4. Respondent's Evidence. Respondent introduced Exhibit 1, consisting of the October 17, 2023, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at \$592,500.

5. Value. The TVM of the subject property as of January 1, 2023, was \$592,500.

² Tr. at 14:39 – 15:35.

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 \$484,000 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, 2023. 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. However, 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, 2023.

Complainant also testified that she believes that Respondent overvalued her property due to the fact that her house is showing some wear and disrepair with age and the house is in need of repairs. Concerning these condition issues with the subject property that Complainant testified about and which are evidenced in Exhibit A, Complainant provided no evidence providing a way to quantify the dollar amount effect of these issues on value as of the assessment date nor did she show the BOE value does not account for these issues. The fact that the BOE lowered Respondent's assessed value of \$643,400 to \$592,500 suggests that the BOE did take these issues into account when Complainant submitted the evidence to that body.

A taxpayer does not meet his or her 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). 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. 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, 2023, is \$ 592,500.

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 June 27, 2025.

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 June 27th, 2025, 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