



STATE TAX COMMISSION OF MISSOURI

DANIEL J. MANNION,)	Appeal No. 23-110282
)	Parcel No. 21S310560
Complainant,)	
)	
v.)	
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Daniel J. Mannion (Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at \$351,300 as of January 1, 2023. Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property as \$296,600 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 \$351,300.¹

The evidentiary hearing was held May 21, 2025, via Webex. Complainant appeared *pro se* via phone. 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, Kevin Wyatt. 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 two-story home built in 1974 on a lot located at 426 Lexbridge Ln., Ballwin, MO. The Parcel ID number is 21S310560. The total living space in the home is 2,518 square feet and includes five bedrooms and two and a half bathrooms.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was \$364,300 as of January 1, 2023. The BOE independently determined that the subject's appraised value as of January 1, 2023, was \$351,300.

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

Exhibit	Description
A	Cash Offer dated 2/16/2024 for subject in “As Is” condition for \$293,633.90
B	Photos of the subject: kitchen
C	Photos of the subject: master bathroom in subject
D	Photos of the subject: concrete issues on the exterior
E	Definition of comparable sale in real estate appraisal practice
F	Adjustments to Comparables in an old neighborhood when the Subject Property is Unrenovated
G	The reasonable spread for comparables with respect to 50 year old residence should be 10% - 15%
H	Project Costs in Ballwin
I	CMA 1 Line (Portrait) – Listings as of 09/12/2023
J	Photos of 557 Briarwyck sold for \$315,000 – link to Zillow.com listing

Complainant testified his opinion of value for the property is \$296,600 which was the appraised value set by Respondent for 2021 and 2022. Complainant testified that he

does not believe the subject has appreciated in value at all since the prior assessment because the improvements the subject needs are greater now than in prior years.

Complainant alleged in his testimony that Respondent and the BOE used sales data alone in his assessment and did not figure in market-based adjustments for variations between properties. Further, Complainant claimed that functional obsolescence of his property was also not considered which led to an inflated valuation. Complainant testified that his property is not renovated unlike the comparables used by Respondent. Complainant highlighted the outdated condition of some of the features of the home, particularly the kitchen and master bath (Exhibits B and C respectively). Using the CMA data for sales in the area, Complainant stated that the methodology that would make the most sense is using the lowest value comparable due to the outdated, unrenovated condition of the subject. One such sale Complainant mentioned as an example was the one of 419 Monticello Dr. which, according to Complainant's Exhibit I, sold on August 8, 2023, for \$295,000. Complainant testified that Respondent failed to consider this comparable. However, Complainant did admit on cross examination that 419 Monticello Dr. has a much smaller square footage of living space than the subject.

During his testimony, Complainant discussed the valuation history of the subject by Respondent noting a downward adjustment in 2018 with slight increases until 2021 and 2023 which were much larger than in previous years despite Complainant making no improvements or renovations to the subject. In response to cross examination, Complainant stated that he has not listed the subject for sale on the open market and that Exhibit A was an unsolicited offer from a prospective buyer. Complainant further testified in response to

questioning that he had submitted the pictures in Exhibits A through C to the BOE before that hearing. Complainant testified that he is not a licensed appraiser in Missouri but stated that he worked as an appeals officer before the Internal Revenue Service. Therefore, Complainant testified that he is familiar with appraisals of property from an estate and gift tax perspective.

4. Respondent's Evidence. Respondent introduced Exhibit 1, consisting of the October 31, 2023, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at \$351,300.

5. Value. The TVM of the subject property as of January 1, 2023, was \$351,300.

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 his 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 independent 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. He alleges that Respondent’s methodology for assessment is flawed and that Respondent used sales data alone. However, Complainant has the burden of proof and 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. During cross examination, Complainant admitted that he could not state for certain that adjustments were not made, only that Respondent did not show him that they were made.

Complainant argued that Respondent and the BOE did not consider the outdated condition of the subject. However, Complainant neither demonstrated that the BOE’s valuation failed to take into account these issues when it valued the subject. Additionally, Complainant did not provide proof of the specific deleterious monetary impact that these issues have on the TVM of the subject property as of the valuation date, January 1, 2023.

Complainant's opinion of value based upon a prior appraised valuation in 2021 is not a proper method to value the subject. 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.

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 his 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 \$351,300.

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 25th, 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