



STATE TAX COMMISSION OF MISSOURI

MICHAEL T. MOORE,)
) Appeal Nos. 23-10124, 23-10126, 23-
) 10127,
 Complainant,) 23-10128, 23-10129, and 23-10130
)
 v.)
)
 JAKE ZIMMERMAN, ASSESSOR,)
 ST. LOUIS COUNTY, MISSOURI,)
)
 Respondent.)

DECISION AND ORDER

Michael T. Moore (Complainant) appeals the St. Louis County Board of Equalization's decision valuing the subject residential properties as set out below as of January 1, 2023. Complainant alleges overvaluation and proposes alternate values for the properties. Complainant and Respondent reached agreement on Appeal 23-10125 so it is not included in this Decision. At the hearing, Complainant dismissed Appeal 23-10130 as he had sold the property. The BOE decision as to the other five properties is affirmed.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 on February 6, 2025, via Webex before Senior Hearing Officer Sam Knapper. Complainant appeared pro se. Respondent was represented by Tim Bowe. The appeal was assigned for decision to Senior Hearing Officer Todd D. Wilson on June 16, 2025.

Appeal #	Address	Parcel #	BOE TVM	Proposed Value
23-10124	3228 Ridgetop Drive	35J410192	\$447,600	\$325,000
23-10126	5513 Oakville Heights	32J440361	\$201,700	\$175,000
23-10127	2928 Sean Parkway	33J230332	\$208,800	\$175,000
23-10128	2301 Whitshire Drive	31H231312	\$229,600	\$175,000
23-10129	2926 Bee Tree Lane	34J230441	\$246,700	\$195,000

FINDINGS OF FACT

1. The Subject Property. The subject properties are residential with the addresses shown above. Complainant identified the property in appeal 23-10124 located at 3228 Ridgetop Drive as his personal residence and the remaining properties as residential rentals that he owns.

2. Assessment and Valuation. The parcel numbers, appraised values determined by the BOE and the Complainant's proposed values are set out in the table above.

3. Complainant's Evidence. Complainant introduced a packet of information for each of the properties labeled by the address of the property and consisting of a written summary of the property, the reason for the appeal, and photos of the condition of the

property. The written summary also stated reasons that the comparable sales properties used by the county were different from Complainant's property. The Exhibits were received without objection.

The Complainant testified that he has purchased and sold numerous properties and monitors the market for housing in the St. Louis area. Complainant stated that through experience he knows approximately the cost of remodeling a kitchen or bathroom in a residence in St. Louis County. Complainant is not an appraiser and does not have any formal training for making adjustments to comparable sales. Complainant did not make any adjustments for time, location or conditions of the sale.

4. Respondent's Evidence. Respondent introduced Exhibit 1, the determination letter from the BOE in each of the appeals which was received without objection.

5. Value. The TVM of the subject property as of January 1, 2023, was as determined by the BOE.

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 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 proposes values for the properties based upon his experience in the purchase and sale of residential properties. Complainant could not quantify the adjustments to properties for time, location and condition. 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.

Neither Complainants' exhibits nor testimony utilized the comparable sales approach, income approach, or cost approach to support the 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 as determined by the BOE and set out in the table above.

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 July 9th, 2025

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 July 11th, 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