

FINDINGS OF FACT

1. Subject Property. The subject property is located at 5908 Telegraph Rd., in St. Louis, Missouri. The parcel/locator number is 32H130487. The subject property is 0.92 acres and contains two sinkholes.

2. Respondent and BOE. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$72,600. The BOE classified the subject property as residential and independently determined the TVM on January 1, 2023, was \$72,600.

3. Complainant's Evidence. Donald Jennewein testified for Complainants. Mr. Jennewein stated that he relied upon two photos and two assessments to prove the subject property was overvalued. The comparable assessments that Mr. Jennewein produced were for a property that adjoins the back of the subject property (Exhibit A) and another property that is less than a block from the subject property (Exhibit B). Mr. Jennewein testified that Exhibit A has 0.99 acres and Exhibit B has 0.92 acres, with both properties containing sinkholes. He also testified that Exhibit A was appraised for \$20,800 and Exhibit B was appraised for \$92,700. Mr. Jennewein testified that the price per square foot on Exhibit A is 47¢/sq ft, Exhibit B is \$1.06/sq ft, and the subject property is \$1.85/sq ft. Exhibit B needs very little excavation work and has no visible sinkholes to the eye; therefore, he believes that it is a more desirable property. Mr. Jennewein testified that he does not understand how these properties were valued.

Upon cross examination Mr. Jennewein testified that he is not a certified appraiser and has not received training in making market-based adjustments. He testified that he has

dealt in real estate for over thirty years. Mr. Jennewein testified that he presented Exhibits A and B to the BOE. He further testified that he did not make any adjustments for location, condition or market conditions. Lastly, Mr. Jennewein testified that he did not have any estimates regarding the cost to repair the sinkholes on the subject property.

Complainants offered the following Exhibits as evidence:

Exhibit	Description	Respondent's Objections/Status
A	PDF of County Assessment for 112 Pioneer Dr., St. Louis, MO	Admitted without Objection
B	PDF of County Assessment for 6000 Telegraph Rd., St. Louis, MO	Admitted without Objection
C	PDF of County Assessment for subject property	Admitted without Objection

4. Respondent's Evidence. Respondent did not call a witness but submitted the following Exhibit:

Exhibit	Description	Status
1	BOE Decision Letter of October 17, 2023	Admitted without Objection

5. Value. The TVM of the subject property on January 1, 2023, was \$72,600.

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. Residential real property is assessed at 19% of its TVM as of January 1 of each odd-numbered year. Section 137.115.5(1)(a). "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.

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. Complainants Did Not Prove Overvaluation.

Complainants did not establish that the BOE valuation was erroneous. Mr. Jennewein testified that the subject property is overvalued when the assessment of neighboring properties are compared on a price per square foot basis. Although reasonable to assume that two similar properties should be valued similarly for tax purposes, comparative assessment is not the method used to find a TVM for a property. The comparable sales approach is the method used to determine the TVM of the subject

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." *Snider*, 156 S.W.3d at 347-48 (internal quotation omitted).

Complainants' alleged overestimation of TVM does not come from an appraisal utilizing the sales comparison approach. While a property owner's opinion of value is generally admissible, the opinion "is without probative value where it is shown to have been based upon improper elements or an improper foundation." *Shelby Cty. R-IV Sch. Dist. v. Herman*, 392 S.W.2d 609, 613 (Mo. 1965); *see also Cohen v. Bushmeyer*, 251 S.W.3d 345, 349 (Mo. App. W.D. 2008) (noting a property owner's opinion of value loses probative value when it rests on an improper foundation). Mr. Jennewein's testimony and Complainants' exhibits regarding comparative assessment valuation are based on improper elements and therefore are not substantial and persuasive evidence that the BOE's valuation is erroneous. Further, Complainant testified as to conditions in their location which negatively affect the value of their home (sinkholes), but offered no evidence quantifying adverse value due to such conditions.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was \$72,600.

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 Audrain 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 August 6, 2025.

Samuel G. Knapper
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 August 8th, 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