



STATE TAX COMMISSION OF MISSOURI

MARK & LAURA RASCH,)	
)	
Complainant(s),)	
)	Appeal No. 23-10203
v.)	Parcel No. 25P620132
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Mark and Laura Rasch (Complainants) appeal the St. Louis County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject property on January 1, 2023, was \$725,000. Complainants allege overvaluation and claim that the TVM was lower than the BOE's decision; however, they did not provide a specific TVM for the subject property based upon their evidence.¹ Complainants did not produce substantial and persuasive evidence of overvaluation. The BOE decision is affirmed. The TVM of the subject property on January 1, 2023, was \$725,000.

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 March 5, 2025, via Webex. Complainants appeared *pro se*. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Kevin Wyatt. The case was heard and decided by Hearing Officer Samuel Knapper.

FINDINGS OF FACT

1. The Subject Property. The subject residential real property is located at 13281 Spindle Ln., St. Louis, Missouri. The subject property consists of a 3 acre lot and a single family ranch home. The house has 2,630 square feet of living space including three bedrooms and two and a half bathrooms. Complainants purchased the land of the subject property in 2019 for \$150,000. Complainants testified that the construction of the home was close to \$500,000.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$856,500. The BOE lowered the valuation and determined the TVM of the subject property as of January 1, 2023, was \$725,000.

3. Complainants' Evidence. Complainants introduced the following Exhibits which were admitted without objection:

Exhibit	Description
A	Property information from St Louis County regarding 13353 Westerman Rd
B	Property information from St Louis County regarding 3443 Tree Court Ln
C	Property information from St Louis County regarding 13352 Westerman Rd

D	Property information from St Louis County regarding subject property
E	Property information from St Louis County regarding 13331 Twin Lakes Dr
F	Property information from St Louis County regarding 13295 Twin Lakes Dr
G	Letter written by Complainants
H	PDF of neighborhood photos

Complainants did not testify regarding a specific opinion of value as of January 1, 2023, for the subject property. Complainants testified that they believe that the BOE overvalued their property due to three main issues: (1) the flooding of the subject property's neighborhood, (2) the neighborhood of the Comparable properties are dissimilar to the neighborhood of the subject property, and (3) the features of the Comparable properties presented by the Complainant indicate that the assessment of the subject property is overvalued.

First, Complainants testified that the value of the subject property should be lowered because the neighborhood frequently floods. Complainants produced photos during the hearing that portrayed flooding in the vicinity of the subject property. Complainants testified that a portion of their 3-acre lot lies in a flood plain; however, their home is not in the flood plain. Complainants testified that they presented the issue of flooding to the BOE but were unable to recall if they presented the photos to the BOE. Complainants testified that the flooding occurs frequently with rainfall and can take many weeks to completely dissipate.

Second, Complainants asserted that the Comparables that Respondent used in its assessment of the subject property are not similar and should not have been used. Specifically, Complainants testified that the Comparables were located outside of the flood plain and on the Des Peres line of St Louis County. They further testified that their property is adjacent to MSD sewer plant, the Tree Court Industrial Complex and Simpson Lake. Additionally, many of the homes and roads in their neighborhood are in the flood plain and experience flooding. The Complainants argue that the Respondent should have to justify their calculations based upon the subject property's proximity to the industrial complex, sewer plant, and properties that experience flooding. The Complainants did not present their own TVM based upon these arguments.

Third, Complainants compiled a list of Comparable sales and assessments (Exhibits A, B, C, E and F) and testified regarding features of the properties in comparison to the subject property. Complainants testified that Exhibit A sold for \$213,000 in August of 2023, had a similar lot size, and is not located in a flood plain. Complainants also testified that Exhibit E was assessed for \$370,000 and has newer construction and is comparable in many ways but not located in a flood plain. They also testified that the raw land of Exhibit E was sold for \$150,000 in 2015. Next, the Complainants testified that Exhibit B is three acres, adjoins their property, has a smaller ranch home that is similar and sold for \$185,000 in November of 2021. They also testified that Exhibit B contained a small out building. The Complainants also testified that Exhibit F sold for \$310,000 and had a large out building. The home on Exhibit F is smaller and the back of the property is located outside

of the flood plain. Lastly, the Complainants testified that Exhibit C sold for \$290,000 in August of 2022. This site is raw land and lakefront property.

Upon cross examination the Complainants testified that they purchased the land for \$150,000 in 2019. The Complainants also testified that the house construction was just under \$500,000. The Complainants testified that they had an appraisal performed to receive the construction loan to build the home but could not recall the opinion of value in the appraisal. The Complainants did recall that the appraiser struggled with locating comparable properties. The Complainants also testified that they were aware a home was built on the lot of Exhibit C and sold for 1.5 million dollars in December of 2023. The Complainants stated they believe that the buyers overinvested and will have difficulty selling their home in the future. Lastly, the Complainants testified that they presented the issue of flooding to the BOE but could not recall if they presented photos.

4. Respondent's Evidence. Respondent introduced Exhibit 1, the BOE's October 17, 2023, Decision Letter. Complainant did not object. Respondent's Exhibit 1 was admitted into evidence.

5. Value. The TVM of the subject property as of January 1, 2023, was \$725,000.

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). 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). "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. “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). 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). “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 taxpayer bears the burden of proof and must show by a preponderance of the evidence that the property was 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").

4. Complainant Did Not Produce Substantial and Persuasive Evidence of Overvaluation.

Complainant did not produce substantial and persuasive evidence to support their opinion of overvaluation for the subject property as of January 1, 2023.

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).

The Complainants claim that the flooding in the vicinity of their neighborhood and on portions of the subject property prove overvaluation by the Respondent. However, the Complainant did not prove that the BOE failed to take this into account when arriving at their valuation. The Complainants presented the issue to the BOE and the value of the subject property was reduced from \$856,500 to \$725,000. Such a finding by the BOE

supports the conclusion that they did consider the issue of flooding when reducing the valuation of the subject property.

While Complainants offered a list of comparable sales which they believe are more determinative of the value of the subject property than those Respondent used, these sales are not persuasive evidence. Little information was provided by Complainants regarding the sale conditions of these properties in order for one to use them to accurately determine the value of the subject property. In addition, these sales are not persuasive evidence as no adjustments are made to account for differences between the subject property and these other properties. The Complainants made statements regarding the size and features of the lots (acreage, flood plain) and homes (age, size) without making any adjustments to calculate an opinion of value for the subject property. Further, the Complainant failed to produce any specific value for the subject property. In essence, the Complainants attempt to shift the burden of proof to the Respondent by taking this approach.

Complainant also feels that the subject property should be valued lower due to its proximity to the MSD sewer plant and other industrial property. However, Complainant neither demonstrated that the BOE's valuation fails to take into account the subject property's location and surroundings, nor did Complainant provide proof of the specific monetary impact that the MSD plant and neighboring industrial activity has on the TVM of the subject property.

Complainant has not proven a different TVM of the subject property as of January 1, 2023. While a property owner's opinion of value is generally admissible, the opinion lacks "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). In determining if the Complainants proved a different TVM of the subject property it is important to note that an opinion of value was at the Complainants' disposal and was not relied upon when they applied for a construction loan.

Complainant did not produce substantial and persuasive evidence showing that the subject property was overvalued. Therefore, Complainant's evidence does not provide the necessary foundation and elements to support their 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, was \$725,000.

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 August 8th, 2025.

STATE TAX COMMISSION OF MISSOURI

Samuel Knapper
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 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