



STATE TAX COMMISSION OF MISSOURI

ANDREW J. LEAHY & SUSAN E,)	
)	
Complainant(s),)	
)	Appeal No. 23-10690
v.)	Parcel No. 21K120756
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Andrew Leahy (Complainant) appeals 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 \$180,000. Complainant alleges overvaluation and claims that the TVM as of that date was \$160,000.¹ Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Steve Robson. Respondent originally assessed the subject property at \$247,400. Respondent claims undervaluation of the subject property by the BOE and seeks a TMV of \$217,000.²

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.

² Respondent pursues an increase from the BOE decision pursuant to Mo. Rev. Stat. § 138.060 which reads, "At any hearing before the state tax commission or a court of competent jurisdiction of an appeal of assessment from a first class charter county or a city not within a county, the

The evidentiary hearing was held on April 25, 2023, via Webex. Complainant appeared *pro se* and was represented by Andrew Leahy. Complainant did not produce substantial and persuasive evidence to support their claim of overvaluation. Respondent did produce substantial and persuasive evidence to support their claim of undervaluation. The BOE decision is in error as TVM of the subject property on January 1, 2023, was \$217,000. 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 2833 Manderly Dr., St. Louis, Missouri. The subject property consists of a 7,600 square foot lot and a single-family one-story home. The house has a basement, 1,203 square feet of living space in six rooms which include one bedroom and one bathroom. Complainant purchased the property in 1989 and has lived continuously in the residence since that time. There is a room that does not qualify as a bedroom because it does not have a closet; however, there is space to accommodate a bed frame, mattress and dresser.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$247,400. The BOE determined the TVM of the subject property as of January 1, 2023, was \$180,000.

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

assessor shall not advocate nor present evidence advocating a valuation higher than that value finally determined by the assessor or the value determined by the board of equalization, whichever is higher, for that assessment period.” In this case the Respondent seeks a valuation less than originally determined by the assessor.

Exhibit	Description
A	Complainant printed this from a website and it is a 2 page document comparing homes for sale by bedroom count (labelled 'Doc H-1' by Complainant on actual exhibit)
B	Complainant created this document (labelled 'Doc C-1' by Complainant on actual exhibit) by using data from the St Louis County website. This document consists of comparable sales selected by the Complainant and serves as the basis of their valuation.
C	Signed stipulation for valuation as of January 1, 2021 with \$160,000 as TVM
D	Complainant provided 4 pages of realtor listings for 2541 Bremerton Rd to show it has 2 bedrooms (labelled 'Doc E-1' by Complainant on actual exhibit)
E	4 page printout with a line graphs representing growth in value of St. Louis real estate (labelled 'Doc I-1' by Complainant on actual exhibit)

Complainant testified that his opinion of value as of January 1, 2023, for the subject property is \$180,000. Complainant testified that he believes that the BOE overvalued his property due to two main issues, both of which he presented to the BOE. The first issue is that the County erred in using two-bedroom and three-bedroom homes as comparable sales. The second issue comprises of several arguments raised by the Complainant that he claims proves the County erred in calculating its suggested TVM of \$217,000.

First, Complainant testified that their home only has one-bedroom; consequently, the only valid means of the comparable sales is by using other one-bedroom properties.

This is essential to the Complainant's TVM because they rely upon this filter of analysis to justify their proposed value. Specifically, Complainant located fourteen sales of one-bedroom properties. All but six sales were disqualified by the county and another sale was for a two-bedroom property; therefore, the Complainant removed it for calculating the TVM of the property. Lastly, the Complainant averaged the amount of the 5 remaining sales to arrive at his proposed TVM of \$160,000. Exhibit B supports this calculation.

Second, Complainant asserted that the Respondent erred in how it calculated the TVM of the subject property in four ways. First, the Complainant asserts that the Respondent erred by using comparable sales from properties beyond 5,000 feet. Second, the Complainant asserts that the County erred in not having comparable sales for eighteen months (until a county appraiser came to the Complainant's property after the BOE hearing). Third, the appraisal performed by the County contains two errors which suggest it is not reliable. One error in the appraisal reads that the Complainant requested the appraisal as opposed to the County. The second error of the appraisal is that it uses a property that is not listed as a valid sale in the St Louis County Assessor's records of properties. Fourth, the Complainant asserts that the current proposed TVM by the County is inconsistent with prior assessments from the years 2011 and 2021. In 2011 the County classified the property as dysfunctional and obsolete due to it being a one-bedroom home. In 2021 the Complainant asserts that the agreed amount was \$160,000 and that an increase from that amount is not supported in the current assessment.

Complainant testified that he did not do any research into the sales he relied upon in Exhibit B to calculate the TVM of the property. Complainant also testified that he is not

a licensed appraiser. Complainant testified that he did work for General Electric Credit Corporation from 1977 – 1979 where he would work with appraisers when determining whether to approve second mortgages. Complainant has no experience making adjustments to properties but did confer with appraisers prior to appraisals being performed. Complainant did not remember if the subject property was listed as a two-bedroom home when he purchased the property in 1989. Complainant also testified that he has never removed a closet from a room.

4. Respondent's Evidence. Respondent introduced Exhibit 1, the BOE's October 17, 2023, Decision Letter and Exhibit 2, an appraisal performed by Robert Sherman. Complainant did not object and Respondent's Exhibit 1 and Exhibit 2 were admitted into evidence.

Respondent called Robert Sherman (Mr. Sherman) to testify. Mr. Sherman is a Senior Staff Appraiser for the St Louis County Assessor's Office and has worked there for 23 years. He routinely makes appraisal reports and adjustments to properties to perform the duties required of his position. Mr. Sherman visited the subject property in November of 2024 for purposes of creating an appraisal. Mr. Sherman used the sales comparison approach and testified that this approach would best produce the TVM of residential properties of this age. He also testified that the highest and best use of this property is as a single-family home (as it is currently utilized). He also testified that the 1,200 sq ft home of the subject property was unique to appraise because most one-bedroom properties have significantly less than 1,200 sq ft. Consequently, the size of the dwelling is a crucial to factor the correct TVM of this property, more so than the number of bedrooms. He further

testified that the feature of a one-bedroom home made location less significant when determining the TVM because the buyers of such properties are mostly retirees and young professionals; accordingly, considerations such as school district weigh much less to these types of buyers. Due to this aspect the marketability of this property is enlarged geographically to where comparable sales need only be in the same general area. Mr. Sherman also testified that the cost to cure the one-bedroom format of the subject property would be minimal; therefore, it would be against his (Mr. Sherman's) fiduciary duty to fail to include 2-bedroom or 3-bedroom properties with similar size. Mr. Sherman also testified that the demand for one-bedroom homes is increasing. Mr. Sherman testified his report was designed to show the desirability of this specific property before, on and after January 1, 2023 to show its continued value and market demand. Mr. Sherman determined the TVM of the property as of January 1, 2023 was \$217,000.

Upon cross examination Mr. Sherman testified that he wrote that the Complainant requested the appraisal in his report. Mr. Sherman explained that most property visits are at the requests of taxpayers and that he did not recall how he was notified of the property visit for the subject property. Mr. Sherman also testified that the overwhelming majority (98%) of the comparable sales utilized by the Complainant were between 500 – 700 sq ft. Mr. Sherman explained that such a disparity in size equates to different markets and leads to errors in calculating the TVM of the subject property. This difference in size is the reasoning for the Respondent using different comparable sales than the Complainant. Mr. Sherman relayed that all of the comparable sales used in his report were verified open market sales. Lastly, Mr. Sherman testified regarding sales #5 and #6 on his appraisal

report. Mr. Sherman stated that sale #5 for \$161,000 in February of 2022 was a one-bedroom, one-bathroom 1,296 sq ft home. The home was sold as-is and needed extensive work. The buyer filed over \$65,000 worth of permits and later resold the property for \$342,500 in November of 2023 as a three-bedroom, two-bathroom home with the same sq ft (size). Mr. Sherman testified that these sales helped demonstrate that approximately \$160,000 was the bottom of the market for a home with the size and configuration of the subject property.

6. Value. The TVM of the subject property as of January 1, 2023, was \$217,000.

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 his opinion of value of \$160,000 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).

While Complainant offered a list of comparable sales which he believes 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 Complainant regarding the sale conditions of these properties in order to use them to accurately determine the value of the subject property. For example, the comparable sales were 42% to 58% smaller than the subject property as Mr. Sherman testified. Such sales will not yield an accurate TVM. In addition, these sales are not persuasive evidence as no adjustments were made to account for differences between the subject property and these other properties.

Complainant also feels that the subject property should be valued lower because some of the comparable sales were two-bedroom and three-bedroom homes; however, Mr. Sherman testified that size is the most important factor to analyze in order to ascertain an accurate value of homes around this size with a minimal cost to cure a market deficiency.

Additionally, Complainant argues that the Respondent's comparable sales were too far from the subject property. This argument is also without merit as typical buyers of these types of homes do not purchase properties based on community features such as the school district because most buyers are either retirees or young professionals. Complainant also noted that the appraisal report upon which the Respondent utilized was not available until shortly before the State Tax Commission hearing. The Respondent did furnish the report to the Complainant and the State Tax Commission within the appropriate deadlines despite being close to the deadline.

Complainant's arguments to not rely on the appraisal report due to a clerical error of which party requested the report is without merit as that is not determinative information contained in the appraisal report. Similarly, Complainant's claim that a sale used with Mr. Sherman's appraisal report is invalid due to information contained in property records on the County Assessor's website is also without for two reasons. First, the appraisal report would justify the Respondent's suggested TVM if deleting the Complainant's questionable sale due to the number of comparable sales utilized. Second, the Complainant testified that he did not perform any independent research and solely relied on the County Assessor's website. Mr. Sherman refuted this claim and testified he researched the sale and found it to be a valid sale.

The Complainant's position that the County is confined to its valuation due to assessments in 2011 and 2021 are likewise without merit. The nature of the Assessor's work and function of its office as statutorily mandated requires the Assessor to make independent findings of valuation for properties in odd numbered years. Some examples

of the reasons needed for these changes would be fluctuating markets (such as recessions and crashes requiring a decrease in value due to less demand) or changes to the property (natural disaster). The Respondent does not have to maintain the categorization of the subject property from 2011 or rely upon the stipulation of value in 2021 to present a valuation for 2023.

Even if Complainant had rebutted the presumption of correct valuation by the BOE, Complainant has not proven that the TVM of the subject property is \$160,000 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).

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 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 modified.

5. Respondent Did Produce Substantial and Persuasive Evidence of Undervaluation.

Respondent met the burden of proof necessary to rebut the presumption of

correctness by the BOE. Respondent met this burden by providing substantial and persuasive evidence through the testimony and appraisal of Mr. Sherman. Mr. Sherman's testimony regarding the geographic enlargement due to the class of buyers for a one-bedroom property justify the Respondent utilizing a larger area to locate comparable sales. Additionally, testimony of Mr. Sherman regarding the importance of size of the home as opposed to the amount of bedrooms and the minimal cost to cure this deficiency helped the Respondent meet their burden of proof. The appraisal report of Mr. Sherman (Exhibit 2) contains detailed explanations of the adjustments made to the TVM of the subject property based upon the Comparable sales. The comparable sales support the TVM of \$217,000.

CONCLUSION AND ORDER

The BOE decision is modified to the proposed TVM presented by the Respondent. The TVM of the subject property as of January 1, 2023, was \$217,000.

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