STATE TAX COMMISSION OF MISSOURI

GREGORY S. ST. JOHN, Complainant, v. JAKE ZIMMERMAN, ASSESSOR, ST. LOUIS COUNTY, MISSOURI, Respondent.	)	Appeal No. 23-11069 Parcel No. 25T420123

DECISION AND ORDER

Gregory St. John (Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at $522,400 as of January 1, 2023. Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property was $360,000 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 $522,400.[1]

The evidentiary hearing was held May 28, 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 one-story ranch home built in 1995 on a lot located at 1403 Ridgetree Trails Dr., Ballwin, MO. The Parcel ID number is 25T420123. The total living space in the home is 2,584 square feet and includes three bedrooms and two and half bathrooms.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was $522,400 as of January 1, 2023. The BOE independently determined that the subject's appraised value as of January 1, 2023, was $522,400.

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

Exhibit	Description
A - ZZZ	81 Exhibits including several photographs of the subject, bids and estimates from contractors, and a transaction report listing medical costs for care between 2019 and 2020

Complainant testified that his opinion of value for the property as of January 1, 2023, is $360,000. Complainant testified that the subject is in a subdivision of 27 homes and is located at the bottom of a hill near a four-foot stormwater drain system. Complainant testified in detail the defective nature of the system which is causing flooding of water on his property. Complainant testified he never would have bought the subject knowing the flooding issues with the house. Complainant tried to work with the subdivision to address the stormwater drain issue to no avail. In 2019, the subject suffered extensive flooding

which entered the home and caused extensive damage. Many of Complainant's exhibits show the extent of the damage and the costs of repair the home (over $160,000).

Complainant testified that he presented his evidence to the BOE when he had that hearing.

4. Respondent's Evidence. Respondent introduced Exhibit 1, consisting of the October 17, 2023, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at $522,400.

5. Value. The TVM of the subject property as of January 1, 2023, was $522,400.

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" on the assessment date. *Id*. *See also Hermel, Inc. v. State Tax Commission*, 564 S.W.2d 888, 897 (Mo. banc 1978). "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 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 testified about the several condition issues for the subject due to the defective stormwater system in the subdivision. Pictures of the subject were submitted by Complainant evidencing the alleged problems with the home. Complainant also introduced bids and proposals from contractors that include estimated costs to perform renovations and repairs to the property. However, Complainant offered no professional analysis completed by someone trained to analyze such condition issues and to prove the deleterious effect and quantify the effect on the subject's value on the assessment date, January 1, 2023.

Complainant did not produce substantial and persuasive evidence showing that the BOE's value was incorrect. While the Senior Hearing Officer sympathizes with the Complainant regarding the condition of the subject due to flooding, the State Commission,

as a creature of statute, created by the General Assembly to wield limited powers, is not empowered to provide equitable relief. *State Tax Commission v. Administrative Hearing Commission*, 641 S.W.2d 69 (Mo. banc 1982). 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 $522,400.

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 21, 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 August 22nd, 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