



STATE TAX COMMISSION OF MISSOURI

DAMIAN R. TALLEY,)	
)	
Complainant,)	
)	Appeal No. 23-11152
v.)	Parcel No. 21R220697
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Damian R. Talley (Complainant) appeals the St. Louis County Board of Equalization's (Respondent) decision valuing the subject residential property at \$323,500 as of January 1, 2023. Complainant alleges overvaluation and asserts the true value in money (TVM) of the subject property was \$293,300 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 \$323,500.¹

The evidentiary hearing was held June 4, 2025, via Webex. Complainant and his wife Jessica (Jess) Talley appeared *pro se* via Webex. Respondent Jake Zimmerman,

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.

Assessor, St. Louis County, Missouri, was represented by counsel, Steve Robson. 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 ranch frame style home built in 1966 on a lot located at 320 Wildbrier Dr., Ballwin, MO. The Parcel ID number is 21R220697. The total living space in the home is 2,092 square feet and includes four bedrooms and two and a half bathrooms.

2. Assessment and Valuation. Respondent determined the subject property's appraised value was \$323,500 as of January 1, 2023. The BOE independently determined that the subject's appraised value as of January 1, 2023, was \$323,500.

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

Exhibit	Description
A	Comparable sale of Complainant, 301 Hill Trail
B	Comparable sale of Complainant and also used by Respondent, 478 Sunstone
C	Comparable sale of Complainant, 107 Morewood
D	Comparable sale of Complainant, 521 Marie
E	Comparable sale of Complainant, 315 Wildbrier
F	Comparable sale of Complainant, 306 Wildbrier
G	Photograph of subject, master bathroom
H	Photograph of subject, 2nd bathroom
I	Photograph of subject, front patio and cracks
J	Photograph of subject, Lower patio sliding door, original, poor function, moisture issues
K	Photograph of subject, back upper patio
L	Photograph of subject, back lower patio & wall
M	Photograph of subject, upper driveway
N	Front living room, no overhead lighting
O	Kitchen cabinets damaged, makeshift repairs to hold them on

P	Main hallway, significant wall damage
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Complainant and his wife Jessica testified for Complainant. Complainant testified that they had previously offered most if not all of this evidence to the BOE. They stated that their opinion of value for the property as of January 1, 2023, is \$293,300. Complainant testified that this opinion of value is identical to Respondent's 2021 appraised value for the property. Complainant argued that Respondent overvalued the subject property for 2023 because he did not take into account the condition of the subject and other sales in the area that Complainant and his wife believe are better comparables.

Complainant and his wife also testified as to the comparable sales that they found (Exhibits A through F) which they believe are better evidence of value than those used by the Respondent because they are more alike in age and condition with the subject. Complainant's wife testified that she found many of the comparables by searching for which comparables Respondent used for their neighbors' homes. In Complainant's opinion, those used by Respondent for the subject are not similar to the subject because those comparables, except for 478 Sunstone (Exhibit B), have updated features and are in a much more renovated condition unlike the subject. Therefore, Complainant argues that that the \$293,300 value assigned by Respondent in 2021 actually is a fair representation for the 2023 market value given the subject's outdated condition.

Complainant and his wife also testified as to the many problems with the subject, exhibited in Complainant's photographs which were admitted into evidence (Exhibits G

through P). Complainant and his wife have not made significant improvements to the property.

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 \$323,500.

5. Value. The TVM of the subject property as of January 1, 2023, was \$323,500.

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 \$293,300 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 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 as to conditions of the subject which he and his wife believe negatively affect the value of their home, but offered no evidence quantifying adverse value due to such conditions. In other words, Complainant offered no professional analysis completed by someone trained to analyze such condition issues and to show the deleterious effect they had on the property on the assessment date, January 1, 2023.

Complainant testified that Exhibits A through F contain information regarding what he and his wife believe to be good comparable sales for the subject for the 2023 tax year. However, Exhibits A through F provide little information regarding the sale conditions for these properties. Even so, Exhibit E lists a valid sale on September 19, 2022, for \$450,000 which actually *supports* the BOE value of \$323,500 for the subject as of January 1, 2023. Most important, Exhibits A through F are not persuasive evidence as no adjustments to the sales prices were made to account for differences between the subject property and these other properties. Complainant and his wife are not licensed appraisers and offered no professional analysis for such sales.

Exhibits A through F also include the purported assessment history by the County for each property. However, 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.

Therefore, Complainant did not produce substantial and persuasive evidence showing that the BOE's value was incorrect. 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 \$323,500.

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 22, 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