



STATE TAX COMMISSION OF MISSOURI

STEVEN WIRTZ,)	Appeal No. 23-10102
)	Parcel No. 13M341231
Complainant(s),)	
)	
v.)	
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Steven Wirtz (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 \$158,800. Complainant alleges overvaluation and claims that the TVM as of that date was \$82,000.¹ Complainant 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 \$158,800.

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 June 2, 2025, via Webex. Complainant appeared *pro se* via phone. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Steve Robson who appeared via Webex. The appeal was heard and decided by Senior Hearing Officer Samuel Knapper.

FINDINGS OF FACT

1. The Subject Property. The subject residential real property is located at 10606 ST Xavier Ln., St. Louis, Missouri with a Parcel ID of 13M341231. The subject property consists of just under an acre lot and a 1928 brick bungalow single-family home. The house has 1,028 square feet of living space and includes two bedrooms and one bathroom. Complainant purchased the property in 2014.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$158,800. The BOE independently determined the TVM of the subject property as of January 1, 2023, was \$158,800.

3. Complainant's Evidence. Complainant introduced several Exhibits which were admitted without objection. They are described as follows:

Label	Description
A	Email sent by Complainant on 5/29 at 9:37 a.m. with diagram of living space created by Complainant
B	Email sent on 5/29 at 10:23 a.m. by Complainant with online county record which the Complainant typed remarks upon

C	Email sent on 5/29 at 10:45 a.m. by Complainant with online county record which the Complainant typed remarks upon
---	--

Complainant testified that his opinion of value as of January 1, 2023, for the subject property is \$82,000. Complainant testified that he believes that the Assessor overvalued his property because of three errors. First, Complainant testified that the County utilized a sketch to assess the TVM of the subject property in 2019 that is no longer being utilized and the lack of use is inflating the value of the subject property. Second, Complainant testified that the property has not been improved since 2019 so the TVM should not increase. Third, the Complainant alleges the county has made several errors when calculating the TVM of the subject property.

Complainant testified that he appealed the assessment of his property in 2019 and received a reduction in the TVM of the subject property. Complainant testified that a crucial piece of information was a sketch of the interior living space of the property which was in the file for the subject property since 2019. Complainant testified that this sketch is no longer in the county file and its absence is wrongly increasing the TVM of his property. Complainant testified that he has contacted the county regarding the whereabouts of this sketch and received no explanation. Complainant testified that *Exhibit A* is a reproduction of the sketch created in 2019.

Complainant also testified that he has made no improvements to the subject property since the 2019 assessment. Therefore, Complainant argues that there is little basis to support increasing the TVM of the subject property due to its lack of improvement.

Complainant testified as to many actions taken by the county that have resulted in an overestimation of the TVM of the subject property, including: (1) adding living space to a loft in the garage that is not habitable and is used to store materials, (2) calculating living space using the wrong thickness of exterior walls (the brick exterior walls are 12 inches thick and the county has made the assumption that the exterior walls are only 6 inches thick causing an error in estimating living space), (3) many homes have been sold and rehabbed as senior citizens have been moving from the neighborhood and the Complainant's house is being compared to homes in much better condition, (4) the driveway has been sealed and protected but not replaced for fifty years, (5) the county has calculated the porch as livable space while the county has not classified the porch as such for other properties in the neighborhood, (6) every other house in the neighborhood has a sketch representing the livable space of the home but the subject property does not have such a sketch, (7) the inground pool is leaking and will be filled in with dirt as it is not useable, (8) many comparable sales have added bathrooms and finished basements while the subject property does not contain these features, and (9) the county failed to create another sketch of the living space of the subject property despite receiving such a request from the Complainant.

Upon cross examination the Complainant testified that he was having heart issues at the time of his hearing before the BOE and did not present as much evidence as he did before the STC. Complainant testified did not provide a summary of issues for the BOE but did testify during the BOE hearing. Complainant testified that he would not be willing to have a county appraiser access to his property to measure the amount of living space.

Complainant testified that he did not request the county to inspect his property; instead, the Complainant sought clarity as to why the county was not utilizing the sketch from 2019 and requested that the county reinstate the amount of living space on the 2019 sketch.

4. Respondent's Evidence. Respondent introduced Exhibit 1, a notice of inspection by a St. Louis County Appraiser on February 15, 2023. Complainant did not object. Respondent introduced Exhibit 2, the BOE's October 17, 2023, Decision Letter. Complainant did not object. Respondent's Exhibit 1 and Exhibit 2 were admitted into evidence.

5. Value. The TVM of the subject property as of January 1, 2023, was \$158,800.

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 rebutting the presumptively correct BOE value. Complainant did not produce substantial and persuasive evidence to support his opinion of value of \$82,000 for the subject property as of January 1, 2023. Complainant did not produce evidence comprising of a comparable sales approach, income approach, or cost approach to value.

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 testified about the several issues that may have caused the county to miscalculate the TVM of the subject property. However, there was no proof aside from the Complainant's speculative testimony to support these assertions. The weight of the Complainant's evidence is lacking to rebut the BOE's presumption of correctness. Complainant also argued that the condition of the subject property justified lowering the TVM; however, the 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.

The lack of evidence relating to a recognized valuation method renders

Complainant's proposed value speculative and unpersuasive. *See Cohen*, 251 S.W.3d at 349 (holding an opinion of value loses probative value when based on an improper foundation). Complainant did not produce substantial and persuasive evidence showing the BOE overvalued the subject property and "the value that should have been placed on the property." *Tibbs*, 599 S.W.3d at 7.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was \$158,800.

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 October 3, 2025.

STATE TAX COMMISSION OF MISSOURI

Samuel Knapper
Senior 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 October 3rd, 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