STATE TAX COMMISSION OF MISSOURI

BRIAN THOMAS,	)	
	)	
Complainant(s),	)	
	)	Appeal No. 23-10702
v.	)	Parcel No. 22V620744
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
	)	
Respondent.	)	

DECISION AND ORDER

Brain Thomas (Mr. Thomas) 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 \$598,800. Mr. Thomas alleges overvaluation and claims that the TVM as of that date was between \$450,322.02.[1] Mr. Thomas 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 \$598,800.

[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 April 29, 2025, via Webex. Mr. Thomas appeared *pro se* via Webex. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Steve Robson via Webex. The case 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 1956 Woodmoor Ridge Dr., Ballwin, Missouri. The subject property consists of a 1.5 acres lot and a single-family, two-story home. The home has four bedrooms, five bathrooms, and contains 3,487 square feet of livable space.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was $598,800. The BOE also determined the TVM of the subject property as of January 1, 2023, was $598,800.

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

Exhibit	Description
A	Mr. Thomas' Xcel spreadsheet with property photos and market data of the County's comparable sales and Mr. Thomas' proposed comparable sales.
B	Realtor.com listing for 619 Martin Pointe Ct. with sales data
C	Realtor.com listing for 1682 Timber Hollow Dr. with sales data
D	Realtor.com listing for 602 Martin Pointe Ct. with sales data
E	Realtor.com listing for 514 Prospector Ridge Dr. with sales data

F	Realtor.com listing for 2068 Woodmoor Ridge Dr. with sales data
G	Realtor.com listing for 416 Gunnison Gorge Dr. with sales data

Mr. Thomas testified that his opinion of value as of January 1, 2023, for the subject property is $450,322.02. Mr. Thomas testified that he believes that the BOE overvalued his property due to two main issues. The two main issues are: (1) that the County miscalculated the value of the subject property with their data and (2) the County did not use the best available data (i.e. Mr. Thomas presented different comparable sales).

As to the first issue, Mr. Thomas testified that his research into the comparable sales utilized by the County produced a different value for the properties. Mr. Thomas introduced *Exhibit A* to support his claim. *Exhibit A* provides the square footage, number of bedrooms, number of bathrooms, number of stories, lot size, and price per square foot of the properties used by the County to find the TVM of the subject property. Mr. Thomas then added all the sale prices together and divided this sum by the number of comparable sales. Mr. Thomas also testified that he added the square footage of living space of the comparable sales and divided this sum by the number of sales. Mr. Thomas then divided the average sale price of the comparable sales by the average square footage of livable space of the comparable sales to attain an average price per square foot for the County's comparable sales. Mr Thomas then testified that he multiplied the average price per square foot of the County's comparable sales by the square footage of livable space contained in the subject property. Mr. Thomas testified that this process produced a TVM of $495,151.87. Mr.

Thomas testified that he believes the County miscalculated the TVM of the subject property at $598,800 due to this proof and testimony.

As to the second issue, Mr. Thomas testified that he located six comparable sales within 1 mile of the subject property. *See pg. 2 of Exhibit A.* Mr. Thomas testified that he searched for properties with similar square footage and interior rooms. Mr. Thomas also testified that values are fairly consistent throughout the vicinity of the subject property. *Exhibits B thru Exhibit G* are the online descriptions of the features of the property along with the date and amount of the sale. This research produced a value of $412,963 for the subject property. Mr. Thomas then averaged this sum with the sum from his calculations of the County's comparable sales. The average of these sums yields Mr. Thomas' proposed TVM of $450,322.02.

Mr. Thomas testified that the land valuation of the subject property is overestimated. The lot size is 1.5 acres but Mr. Thomas testified that only 0.1 acres of land is usable. Mr. Thomas testified that the remaining 1.4 acres is a steep ravine and serves as drainage for the cul-de-sac where the subject property lies. Mr. Thomas referred to two pictures on page 1 of *Exhibit A* to illustrate the lot features.

Upon cross examination Mr. Thomas testified that has never received training as an appraiser to value property or made adjustments between comparable properties. Mr. Thomas testified that he focused his research on sale prices as opposed to assessed values for this reason because the sale price reflects what buyers will pay as opposed to relying upon perceived values of properties (assessments).

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 $598,800.

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.

Mr. Thomas did not produce substantial and persuasive evidence to support his opinion of value of $450,322.02 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 Mr. Thomas 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 for one to use them to accurately determine the value of the subject property. Additionally, Mr. Thomas testified as to conditions of the subject property that would lower the value of the property without providing supporting evidence. Specifically, Mr. Thomas' position depends upon the land value being substantially decreased; however, there was no testimony or evidence offered by a person trained to analyze such land features and predict how the land features would impact the sale price of residential property. Another important consideration is that Mr. Thomas' calculation method of using an average sale price of the comparables per square foot to determine the fair market value of the subject property is not a generally accepted approach to value property. Mr. Thomas presented a very clear argument to support his position; however, his position is weakened because his method is not a generally accepted approach (average price per square foot) and it also relies upon an assumption (impact of steep land on value) without a necessary foundation of independent supporting evidence.

Even if Mr. Thomas had rebutted the presumption of correct valuation by the BOE, he has not proven that the TVM of the subject property is $450,322.02 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 this case, an independent appraisal with adjustments made between comparative properties (construction quality, age of home, etc.) would have supported Mr. Thomas' claims significantly.

Mr. Thomas did not produce substantial and persuasive evidence showing that the subject property was overvalued. Therefore, his 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 affirmed.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was $598,800.

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 15th, 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 17th, 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