



STATE TAX COMMISSION OF MISSOURI

GARY & PHYLLIS FENNEWALD,	)	Appeal No. 23-10722
	)	Parcel No. 09E622187
	)	
Complainant(s),	)	
	)	
v.	)	
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
	)	
Respondent.	)	

DECISION AND ORDER

Gary & Phyllis Fennewald (Complainants) appeal 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 \$65,000. Complainants allege overvaluation and claim that the TVM as of that date was \$48,000.¹ Complainants 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 \$65,000.

¹ Complainants timely filed a complaint for review of assessment. The State Tax Commission (STC) has authority to hear and decide Complainants' 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 May 2, 2025, via Webex. Complainants 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 11624 Larimore Rd., St. Louis, Missouri with a Parcel ID of 09E622187. The home on the subject property is 830 square feet with one bedroom and one bathroom.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$81,400. The BOE independently determined the TVM of the subject property as of January 1, 2023, was \$65,000.

3. Complainants' Evidence. Complainants introduced several photos which were admitted as a collective exhibit without objection. They are described as follows:

Label	Description
A	7 Photos of property: (1) 3 photos of cracks in basement floor, (2) 1 photo of crack on exterior concrete, (3) 1 photo of stairs leading to basement, (4) 1 photo of exterior of house, (5) 1 photo of kitchen

Complainants, Phyllis Fennewald (Mrs. Fennewald) and Gary Fennewald (Mr. Fennewald) both testified that their opinion of value as of January 1, 2023, for the subject property is \$48,000.

Mrs. Fennewald testified that she believes that the subject property is overvalued for many reasons, including but not limited to: (1) the roof is over 20 years old, (2) there is no dishwasher or garbage disposal, (3) The crime rate in Spanish Lake is over 70% higher than many surrounding areas, (4) cracks in the basement floor, (5) original wooden windows which leak, (6) shared gravel driveway, (7) central air conditioner does not work and Complainants use a window unit, (8) the property uses a septic tank and the replacement cost would be \$40,000, (9) the foundation is crumbling, (10) there are cracks in the walls from settling, (11) Complainants use plastic wrap on windows to maintain a consistent temperature and (12) the siding is discolored and damaged in many places. Mrs. Fennewald also testified that the TVM of the subject property was \$40,000 in 2021 and then increased to \$81,400 in 2023, a 103% increase. Mrs. Fennewald testified that the reduction of the TVM to \$65,000 by the BOE still results in a 62.5% increase. Mrs. Fennewald testified that the Complainants regularly receive offers in the mail to purchase the subject property for \$47,600. Mrs. Fennewald testified that the Complainants are in their late seventies and live on a fixed income; therefore, this increase impacts their expenses significantly. Mrs. Fennewald testified that she sent the BOE 15 pictures for them to review to make their decision. She also testified that the photos submitted for this hearing were taken in 2025 but that the conditions depicted in the photos taken in 2025 were the same as of January 1, 2023.

Mr. Fennewald testified that the roof, foundation and walls are all showing signs of disrepair due to aging. Mr. Fennewald testified that he doesn't understand why the value of the house keeps increasing. Mr. Fennewald testified that sewer access to the

Metropolitan Sewer District would cost almost \$45,000. Mr. Fennewald testified that he is a retired plumber and used his personal knowledge for this estimate. Mr. Fennewald testified that he believes the TVM of the BOE is unrealistic.

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 \$65,000.

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. Complainants’ 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. Complainants Did Not Produce Substantial and Persuasive Evidence of Overvaluation.

Complainants did not produce substantial and persuasive evidence rebutting the presumptively correct BOE value. Complainants did not produce substantial and persuasive evidence to support their opinion of value of \$48,000 for the subject property as of January 1, 2023. Complainants 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).

Complainants testified about several condition issues for the subject and the needed updates and repairs that are needed for the property. Pictures of the subject were submitted by Complainants evidencing the alleged problems with the home. However, Complainants 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. Complainants testified that these issues were presented to the BOE. The BOE reduced the TVM to \$65,000 from the Assessor's original \$81,400 which tends to show that the BOE did take the condition of the home into consideration when reaching its value.

The lack of evidence relating to a recognized valuation method renders

Complainants' 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). Complainants 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 \$65,000.

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 October 15, 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