



STATE TAX COMMISSION OF MISSOURI

GERALD WALKUP,	)	Appeal No. 23-10412
	)	Parcel/Locator: 30U131291
	)	
Complainant(s),	)	
	)	
v.	)	
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
Respondent.	)	

DECISION AND ORDER

Gerald Walkup (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 \$255,000. Complainant claims the property is overvalued and proposes a value of \$225,000. Complainant did not produce substantial and persuasive evidence establishing overvaluation. The BOE's decision is affirmed.¹

Complainant appeared *pro se* via phone. Respondent was represented by counsel, Kevin Wyatt, via Webex. The evidentiary hearing was conducted on April 2, 2025, via WebEx.

FINDINGS OF FACT

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, Section 14; section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

1. Subject Property. The subject property is located at 820 Wild Hawk Dr., in Eureka, Missouri. The parcel/locator number is 30U131291. The home on the subject property is single-family ranch style and has approximately 1,482 square feet of living space including three bedrooms and two bathrooms.

2. Respondent and BOE. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$280,900. The BOE classified the subject property as residential and independently determined the TVM on January 1, 2023, was \$255,000.

3. Complainant's Evidence. Complainant offered the following Exhibits which were admitted as evidence.

Exhibit	Description	Status
A	Complainant's commissioned appraisal created by William Schrimpf	Admitted over objection by Respondent. Respondent objected because author of appraisal was not called as a witness to be questioned about the methodologies and findings of the appraisal.
B	Word document created by Complainant with notes regarding properties	Admitted without objection

C	Collective Exhibit of comparative assessments created by St. Louis County collected by the Complainant	Admitted without objection
---	--	----------------------------

Complainant testified regarding three arguments to support his claim that the county overvalued the subject property. The first argument that the Complainant relied upon is based on *Exhibit A*, an appraisal commissioned by the Complainant that found the TVM of the subject property to be \$205,000. The second argument relied upon by the Complainant is that the county failed to recognize differences in the features of the subject property and the comparable sales. The third argument relied upon by the Complainant was that the county lacked consistency in determining the TVM of properties in the research he performed in preparation for this hearing.

Complainant testified that he hired William Schrimpf, a licensed appraiser, to find the value of the subject property. Complainant testified that he believes this appraisal is a fair estimate of value for the subject property because it is difficult to find comparable sales in the same condition as his home. Complainant testified that he believes he would not attain a loan for the BOE's TVM of the subject property based upon *Exhibit A*. Complainant did not testify as to the appraiser's method for selecting comparable sales or how the appraiser made adjustments to property features to account for differences. The author of *Exhibit A* was not a witness.

Complainant testified that many of the homes being used as comparable sales to determine the TVM of the subject property have renovated kitchens, renovated bathrooms,

and reconfiguration of living spaces by adding/removing walls. Complainant prepared *Exhibit B* to provide a list of properties that have been updated. Complainant testified that many investors have been buying properties in the neighborhood and performing upgrades without proper permits. Complainant testified this pattern of conduct has led to many recent sales (as of January 1, 2023) with homes in much better condition than the home of the subject property. Complainant contends that *Exhibit B* contains information which proves this claim. Complainant drove by the properties, took photos, researched the properties online, and combined his findings into *Exhibit B*. Complainant testified that *Exhibit B* demonstrates a flaw in the assessing system and it is leading to unfair tax practices.

Complainant gathered the information in *Exhibit C* for purposes of proving that the comparable sales selected by the county were erratic and had an inconsistent impact on determining the TVM of certain county properties. Complainant testified that he could not understand how the county selected certain comparable sales to ascertain a fair and consistent TVM for properties. Complainant testified that rehabilitated and renovated properties were wrongly increasing values of properties where no such improvements occurred. Additionally, Complainant testified that there was no decipherable pattern in his research to predict when a renovated property would be a comparable sale as opposed to using homes that were not recently renovated. Complainant also testified that he found inconsistencies between the information on the county website for certain properties when compared to the property itself.

Upon cross examination Complainant testified that he is not a certified appraiser nor has he received education or training in making adjustments between properties to ascertain property values. Complainant testified that he presented *Exhibit A* at his BOE hearing.

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 on January 1, 2023, was \$255,000.

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). "True value in money is the fair market value of the property on the valuation date, and is a function of its highest and best use, which is the use of the property which will produce the greatest return in the reasonably near future." *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). Determining the TVM is a factual issue for the STC. *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008). The "proper methods of valuation and assessment of

property are delegated to the Commission." *Savage v. State Tax Comm'n*, 722 S.W.2d 72, 75 (Mo. banc 1986).

"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; *see also St. Louis Cty. v. Sec. Bonhomme, Inc.*, 558 S.W.2d 655, 659 (Mo. banc 1977).

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). The finder of fact in an administrative hearing determines the credibility and weight of expert testimony. *Hornbeck v. Spectra Painting, Inc.*, 370 S.W.3d 624, 632 (Mo. banc 2012). "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 BOE's valuation is presumptively correct. *Rinehart v. Laclede Gas Co.*, 607 S.W.3d 220, 227 (Mo. App. W.D. 2020). To prove overvaluation, a taxpayer must rebut the BOE's presumptively correct valuation and prove the "value that should have been placed on the property." *Snider*, 156 S.W.3d at 346. The taxpayer's evidence must be both "substantial and persuasive." *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*, 722 S.W.2d at 77 (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"). A taxpayer does not meet his burden if evidence on any essential element of his case leaves the STC "in the nebulous twilight of speculation, conjecture and surmise." *See, Rossman v. G.G.C. Corp. of Missouri*, 596 S.W.2d 469, 471 (Mo. App. 1980).

4. Complainant Did Not Prove Overvaluation.

Complainant did not establish that the BOE valuation was erroneous. Complainant testified his home is overvalued “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’s alleged TVM does not come from an appraisal utilizing the sales comparison approach. While a property owner's opinion of value is generally admissible, the opinion "is without 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). Complainant’s testimony and exhibits regarding comparative assessment valuation are based on improper elements and therefore are not substantial and persuasive evidence that the BOE’s valuation is erroneous. Further, Complainant testified as to conditions in their location which negatively affect the value of their home, but did not provide evidence as to how these conditions specifically impact the market value of the subject property in comparison to other properties. Complainant did provide *Exhibit A*; however, the appraiser who prepared the report did not testify as how the TVM was derived for the subject property in the appraisal report. Complainant’s proposed valuation of \$225,000 (offered at the 9:00 mark of the hearing) is not based on any specific method of property valuation. Lastly, the Complainant’s testimony regarding systemic failures in

assessing properties is without merit. The Complainant provided comparative assessments, *see Exhibit C*, but *Exhibit C* does not prove the Complainant's allegations. Complainant's testimony regarding the alleged failures of the properties and methods utilized by the county for comparison purposes was too vague to prove the Complainant's claims.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was \$255,000.

Application for Review

A party may file with the Commission 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, 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 Audrain County, as well as 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 said taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

SO ORDERED October 30, 2025.

Samuel Knapper
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 October 31, 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