



# STATE TAX COMMISSION OF MISSOURI

|                             |   |                           |
|-----------------------------|---|---------------------------|
| JANN ROTH,                  | ) | Appeal No. 23-10613       |
|                             | ) | Parcel/Locator: 24N240519 |
|                             | ) |                           |
|                             | ) |                           |
| Complainant(s),             | ) |                           |
|                             | ) |                           |
| v.                          | ) |                           |
|                             | ) |                           |
| JAKE ZIMMERMAN, ASSESSOR,   | ) |                           |
| ST. LOUIS COUNTY, MISSOURI, | ) |                           |
| Respondent.                 | ) |                           |

## DECISION AND ORDER

Jann Roth (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 \$267,000. Complainant claims the property is overvalued and proposes a value of \$235,000. Complainant did not produce substantial and persuasive evidence establishing overvaluation. The BOE's decision is affirmed.<sup>1</sup>

Complainant appeared *pro se*. Respondent was represented by counsel, Steve Robson. The evidentiary hearing was conducted on April 22, 2025, via WebEx.

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<sup>1</sup> 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.

## FINDINGS OF FACT

**1. Subject Property.** The subject property is located at 633 Huntwood Ln., in St. Louis, Missouri. The parcel/locator number is 24N240519.

**2. Respondent and BOE.** Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$267,000. The BOE classified the subject property as residential and independently determined the TVM on January 1, 2023, was \$267,000.

**3. Complainant's Evidence.** Complainant offered the following Exhibits as evidence:

| Exhibit | Description                                                        | Respondent's Objections/Status                                                                                                                          |
|---------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| A       | Complainant's Cover Letter                                         | Admitted without Objection                                                                                                                              |
| B       | Letter written by Realtor Teri Nicely with suggested listing price | Objection based upon hearsay. The objection was under advisement during the hearing. The objection is sustained based upon hearsay contained in letter. |
| C       | Window Estimate                                                    | Admitted without objection                                                                                                                              |
| D       | Deck Estimate                                                      | Admitted without objection                                                                                                                              |
| E       | Offer to buy dated August 8, 2024                                  | Not admitted due to the timeliness which renders the offer irrelevant.                                                                                  |
| F       | Letter from Difranco Realty                                        | Objection based upon hearsay. The objection was under advisement during the                                                                             |

|   |                                                                                          |                                                                             |
|---|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|   |                                                                                          | hearing. The objection is sustained based upon hearsay contained in letter. |
| G | Collective Exhibit of six photos of windows                                              | Admitted without objection                                                  |
| H | Collective Exhibit of 6 photos of cracks on bedroom walls                                | Admitted without objection                                                  |
| I | Collective Exhibit of 6 photos of cracks in living room, dining room, office and hallway | Admitted without objection                                                  |

Complainant testified that she believes her property is overvalued for two reasons. First, Complainant argues that the condition of her home does not support the BOE's valuation. Second, Complainant argues that the Respondent overvalued her property based upon comparisons to real estate sales that have occurred on her street.

To support her first argument that the condition of the home does not support the Respondent's TVM, the Complainant testified that her home has the following issues: (1) the house is 70 years old with all original fixtures (windows, doors, kitchen cabinets, bathroom tile, etc.), (2) house is shifting as evident by 31 cracks throughout house, (3) deck is in need of repair, (4) windows in need of replacement, (5) a 'w' crack in the front wall of the basement, (6) rainwater leaks into basement, (7) steel frame window in basement needs to be replaced, and (8) a crack on exterior rear wall of house. Complainant submitted

an estimate for \$22,987 to replace her deck and an estimate for \$11,200 to replace her windows. Complainant testified that a contractor visually inspected the cracks in the basement walls and suggested a repair to stabilize the foundation, but the cost was beyond the Complainant's means. Complainant testified that she contacted two real estate companies to attain their opinions of value for her property in its current condition. Complainant testified that one real estate company suggested a listing sale price of \$225,000 and that the other real estate company suggested the property should be valued at the price of the lot with the cost of removal of the home subtracted.

To support her second argument that the county improperly overvalued her property based upon local realty sales the Complainant testified that a house on the street sold for \$249,000 and was totally renovated, had a finished basement with a bedroom and bathroom, had a carport, had a screened in porch and patio, and a fenced yard. Complainant also testified that another house on the street sold for \$235,000 in November of 2023 and it had two bathrooms, a renovated kitchen, a concrete patio, a metal shed, an attached two-car garage, an additional room and a fenced yard. Complainant testified to a third property that sold on her street for \$240,000 and had a remodeled kitchen, an added sunroom, updated windows, and a carport. Complainant argues that her home cannot be valued higher than these recent sales due to their significantly different conditions.

**4. Respondent's Evidence.** Respondent submitted the following Exhibit:

| Exhibit | Description                                | Status   |
|---------|--------------------------------------------|----------|
| 1       | BOE Decision Letter dated October 17, 2023 | Admitted |

**5. Value.** The TVM of the subject property on January 1, 2023, was \$267,000.

## **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. 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 her opinion of value of \$235,000 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 condition issues for the subject and the needed updates and repairs that are needed for the property. Pictures of the subject property were submitted by Complainant evidencing the alleged problems with the home and property. The primary issue with the Complainant's proof is that she relies upon hearsay. Complainant offered letters from a realtor and the owner of a realty company in *Exhibit B* and *Exhibit F*. The substance of these letters would improve Complainant's ability to meet her evidentiary burden if they were admissible; however, the letters cannot be considered without the creators of the letters present to testify and answer questions upon cross examination<sup>2</sup>. The Complainant relied upon double hearsay in relating some of the issues that were addressed in the letters, most notably the 'w' crack in the front basement wall

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<sup>2</sup> The Respondent's objection to the admission of these letters was taken under advisement during the hearing because Complainant mailed the letters to the State Tax Commission and the letters were not on the state server at the time of the hearing. Consequently, the Respondent and the Hearing Officer were unable to access the letters for review. Upon review, I (Hearing Officer Knapper) determined the letters in *Exhibit B* and *Exhibit F* contained hearsay and were inadmissible since the authors did not testify. A continuance of the hearing was unnecessary since the Respondent did not need to prepare cross examination and the exhibits were not admitted as evidence.

(*Exhibit F*) and the value of her home based upon other sales in the area (*Exhibit B*). Should Complainant appeal a future valuation she would be best served by procuring the authors of the letters to testify or have a county official visit the property and allow photos and an interior inspection for the county appraisers to review. Rules of evidence are relaxed in administrative hearings; however, relying upon hearsay evidence as a foundation to support a claim is fundamentally unfair to the opposing party. Additionally, 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 value 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 \$267,000.

### **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 November 20, 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 November 21, 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