STATE TAX COMMISSION OF MISSOURI

GEORGIA KAYE, Complainant(s), v. JAKE ZIMMERMAN, ASSESSOR, ST. LOUIS COUNTY, MISSOURI, Respondent.	)))))))))))	Appeal No. 23-10681 Parcel/Locator: 16O220153

DECISION AND ORDER

Georgia Kaye (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 $240,000. Complainant claims the property is overvalued and proposes a value of $190,000. Complainant did not produce substantial and persuasive evidence establishing overvaluation. The BOE's decision is affirmed.[1]

Complainant appeared *pro se*. Respondent was represented by counsel, Kevin Wyatt. The evidentiary hearing was conducted on April 23, 2025, via WebEx.

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[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.

FINDINGS OF FACT

1. Subject Property. The subject property is located at 1021 Mackinac Dr., in St. Louis, Missouri. The parcel/locator number is 16O220153.

2. Respondent and BOE. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was $283,700. The BOE classified the subject property as residential and independently determined the TVM on January 1, 2023, was $240,000.

3. Complainant's Evidence. Complainant emailed photos of the subject property the day before this hearing occurred. Consequently, the photos were not considered as they were not submitted five days prior as required by the scheduling order. Complainant testified that she believes the county has overvalued her property because she initially purchased the home as a 'fixer upper.' Her plan upon purchase was to improve the home with her husband; however, that plan did not come to fruition and Complainant's husband vacated the subject property while also taking the Complainant's finances. Complainant argues that her property is not worth the BOE's proposed TVM of $240,000 due to these circumstances. Additionally, Complainant testified that her home has conditions that negatively impact the value of her property, including but not limited to: (1) leaks in basement when rainfall occurs, (2) drain clog in basement, (3) leaks at two corners of the home indicating foundation damage, (4) doors sticking (due to foundation), (5) cracked sidewalks and (6) many other issues which Complainant did not specifically refer to in her testimony. Complainant also testified that she sent the photos to the BOE which show the leaks in the basement (these are the photos that were emailed the day prior to this hearing).

Complainant testified she has photos documenting cracks in the basement walls, cracks in the sidewalk, crack in the front wall of the home, and paint peeling. Complainant testified she received an estimate for a foundation repair but has not been able to locate it. She believes the estimate was approximately $20,000. Complainant testified that she believes she could not receive more than $190,000 for her property and it would be sold as-is. Upon cross examination Complainant testified that she submitted nearly all the photos to the BOE to which she testified during the hearing.

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 $240,000.

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 $190,000 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 condition of the subject and the needed updates and repairs that are needed. Complainant also testified regarding pictures of the subject property documenting the alleged problems. However, Complainant offered no professional analysis completed by someone trained to analyze such condition issues and to show the negative impact they had on the property value on the assessment date, January 1, 2023. Relying upon her testimony and photos renders the Complainant's proof speculative because there was no causal connection established by substantial and persuasive evidence to prove the conditions Complainant alleged justify a TVM of $240,000. Lastly, the BOE reduced the TVM of the subject property to 240,000 as opposed to the Respondent's proposed TVM of $283,700. A reduction slightly above 15% suggests the BOE took the current condition of the property into account when assessing its value.

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 $240,000.

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 St. Louis 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.
STATE TAX COMMISSION

Samuel Knapper
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 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