



STATE TAX COMMISSION OF MISSOURI

JOAN DROEGE,)
Complainant(s),)
v.)) Appeal No. 23-10425
JAKE ZIMMERMAN, ASSESSOR,)) Parcel No. 20J340581
ST. LOUIS COUNTY, MISSOURI,)
Respondent.)

DECISION AND ORDER

Joan Droege (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 \$451,600. Complainant alleges overvaluation and claims that the TVM as of that date was \$350,000.¹ Complainant 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 \$451,600.

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 4, 2025, via Webex. Complainant appeared *pro se*. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Steve Robson. The case was heard and decided by Hearing Officer Samuel Knapper.

FINDINGS OF FACT

1. The Subject Property. The subject residential real property is located at 7109 Dale Ave., St. Louis County, Missouri. The subject property consists of a lot and a single-family home.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$451,600. The BOE also determined the TVM of the subject property as of January 1, 2023, was \$451,600.

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

Exhibit	Description
A	Word doc of letter summarizing Complainant's arguments
B	Bid from Gallagher Construction
C	Bid from Woods Basement Systems
D	Bid from Midwest Asphalt Paving & Sealing
E	Bid from Window Nation
F	Collective Exhibit of photos of property

Complainant testified that her opinion of value as of January 1, 2023, for the subject property is \$350,000. Complainant testified that she believes that the BOE overvalued her property due to the condition of her home, which she presented to the BOE. Complainant believes that the condition of her home was not accounted for by the county in calculating the TVM of her property based on using inappropriate comparable sales.

Complainant testified that her home is thirty-three years old and is approximately 2,500 sq. ft. with three bedrooms and two bathrooms. Complainant argues that the size of her home simultaneously creates more desirability due to its larger square footage for the area but also a greater number of repairs. Complainant testified that the necessary repairs include but are not limited to: (1) severe settlement problems, (2) rear patio sloping towards the house, (3) water seepage in basement, (4) no backfill on front porch, (5) old flooring in house, (6) cracked cement, (7) outdated bathrooms (original), (8) original kitchen with cabinets falling off, (9) deteriorating driveway, and (10) stairs to side of house are a hazard and need to be rebuilt. *See Exhibit A.*

Complainant testified that the comparable are not like her property, noting that three of the sales are similar in size but reflect excessive condition differences. Two of the three sales were new construction and the third sale was a fifteen year old home with modern finishes. *See Exhibit A.* Complainant believes that other sales should be used to accurately assess the value of her home. *See Exhibit A.* Complainant introduced exhibits B, C, D and E while testifying as to the need for each bid. Complainant believes that buyers would not offer the Respondent's assessed value due to the cost of renovation. Complainant closed

her testimony by stating that she lives on a fixed income and will not make the repairs; therefore, she could not command the Respondent's assessed value on the open market.

Complainant called her brother, Robert Droege (Mr. Droege), as a witness. Mr. Droege testified that their parents hired a contractor who had never built a home prior to building the home on the subject property. Mr. Droege believes that this is the source of many problems with the home. Mr. Droege testified that his prior work experience includes being a Missouri licensed appraiser and broker for thirty years, including in the Richmond Heights area. Mr. Droege testified the settlement issues, cracked ceramic tiles, kitchen cabinets hanging off the wall, and inoperable windows may limit the prospective buyers. Mr. Droege testified that a buyer may have difficulty securing a mortgage so the buyer pool may be limited to speculative investors. Mr. Droege further testified that his sister's home is difficult to assess because most of the homes in her area are much older and smaller.

Mr. Droege referred to *Exhibit A* and opined that the condition of a home is a more determinative factor for assessing value in his sister's neighborhood than the age of a home. He further opined that other comparable sales listed in *Exhibit A* were more appropriate comparable sales. It is important to note that Mr. Droege did not create an appraisal for the subject property and that Complainant prepared *Exhibit A* based upon her testimony and electronic signature at the bottom of the document. He further testified that he considers his sister's property to be difficult to assess. Mr. Droege testified that he believes his sister's property is worth approximately \$350,000.

Mr. Droege then testified regarding his opinion of the condition of the properties used as comparable sales. Mr. Droege argues that the condition of the comparable sales is too superior to provide an assessment; however, Mr. Droege did not comment regarding any adjustments made between the comparable sales and the subject property. Mr. Droege then referred to the sales Complainant listed in *Exhibit A* as appropriate sales because their conditions better resemble his sister's property. Again, no adjustments were made when comparing the subject property with these comparable sales. Lastly, Mr. Droege testified that the cost of repairs should be considered when adjusting his sister's property because her property is in an outdated condition especially when compared to modern residential features.

Upon cross examination Mr. Droege testified he did not complete an appraisal report but relied upon conducting a market analysis. Mr. Droege testified that his market analysis did not utilize the sales comparison approach. Lastly, Mr. Droege testified that he is aware that the Respondent made adjustments to his sister's property.

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.

Respondent called Robert Sherman (Mr. Sherman) to testify. Mr. Sherman is a Senior Staff Appraiser for the Assessor's Office and testified that the Respondent utilized sales comparative analysis to determine the TVM of the subject property. Mr. Sherman also testified that the inventory of homes was very low in January of 2023.

5. Value. The TVM of the subject property as of January 1, 2023, was \$451,600.

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 to support her opinion of value of \$350,000 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 Complainant offered a list of comparable sales which she 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, the only proof of the condition of the alternative comparables is testimony and a short written (*Exhibit A*) description. Furthermore, adjustments between properties are essential to calculate the TVM of a property. The Complainant's proposed valuation relies upon no adjustments, thus greatly reducing the weight of the evidence and failing to utilize a legally recognized valuation method in Missouri.

Complainant also argues that the subject property should be valued lower due to a market analysis performed by Mr. Droege. 'Market analysis' is not a valid means of calculating the TVM of property for legal purposes in Missouri. Mr. Droege testified that he has worked as an appraiser in Missouri for 30 years; however, Mr. Droege did not create an appraisal report to support his opinion of value for the subject property. Consequently, his proposed TVM is not supported by substantial evidence, which appraisal reports frequently contain (basis for adjustments, photos of condition of comparables, market impact on value, etc.). The Respondent's proposed TVM cannot be modified unless the Complainant provides persuasive and substantial evidence. In this case, oral and written testimony providing opinions of value without supporting evidence fails to meet this burden.

Even if Complainant had rebutted the presumption of correct valuation by the BOE, Complainant has not proven that the TVM of the subject property is \$350,000 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).

Complainant did not produce substantial and persuasive evidence showing that the subject property was overvalued. Therefore, Complainant's evidence does not provide the necessary foundation and elements to support her 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 \$451,600.

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 January 8, 2026.

STATE TAX COMMISSION OF MISSOURI

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 January 9th, 2026, 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